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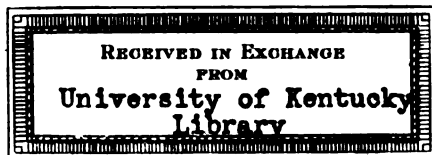
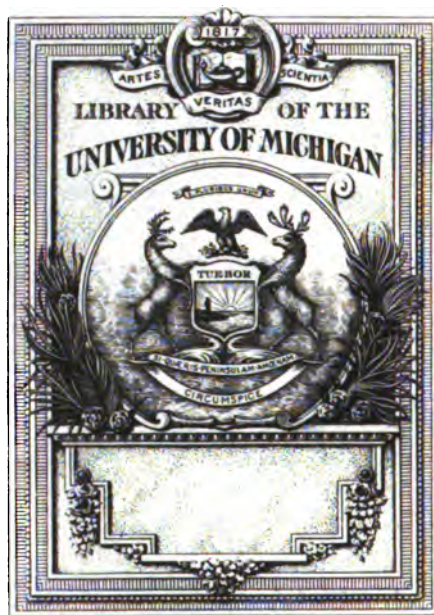
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# JOURNAL

OF THE

REGULAR SESSION

OF THE

# HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY. *General Assembly*

BEGUN AND HELD IN THE CITY OF FRANKFORT ON TUESDAY, THE FOURTH  
DAY OF JANUARY, IN THE YEAR OF OUR LORD 1898, AND OF THE  
COMMONWEALTH ONE HUNDRED AND SIX.

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PROPERTY OF THE STATE OF KENTUCKY.

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LOUISVILLE:  
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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF KENTUCKY.

TUESDAY, JANUARY 4, 1898.

At a General Assembly of the Commonwealth of Kentucky, began and held at the Capitol, in the city of Frankfort, on Tuesday, the fourth day of January, in the year of our Lord, one thousand eight hundred and ninety-eight, and the one hundred and sixth year of the Commonwealth, that being the day fixed by law for the meeting thereof, Thos. S. Kirk, Assistant Clerk of the last House of Representatives, called the House to order, and after prayer by Elder George Darsie, of the Christian church, the assistant clerk produced and read the following certificate from the Secretary of State:

THE COMMONWEALTH OF KENTUCKY, SCT. }  
OFFICE OF SECRETARY OF STATE, }  
January 4, 1898.

I, Chas. W. Finley, Secretary of State for the State of Kentucky, do hereby certify that there are on file in my office certificates of election, issued and signed by the legally constituted authorities, showing that the following named persons have been duly elected as members of the House of Representatives for the session of 1898, viz:

M. Abele—from the county of Kenton—Third District.

Bruce Adkins—from the counties of Carter and Elliott.



- T. H. Armstrong—from the county of Bracken.  
B. W. Bradburn—from the county of Warren—First District.  
J. C. W. Beckham—from the county of Nelson.  
J. L. Brown—from the county of Hancock.  
A. C. Brown—from the counties of Fulton and Hickman.  
Geo. H. Bishop—from the county of Campbell—First District.  
W. H. Cole—from the counties of Adair and Cumberland.  
Reuben Conner—from the county of Boone.  
A. H. Charlton—from the city of Louisville—Seventh District.  
W. W. Combs—from the county of Madison.  
T. W. Clark—from the county of Hopkins.  
W. T. Chilton—from the county of Henry.  
W. H. Cooke—from the county of Warren—Second District.  
J. C. Cantrill—from the county of Scott.  
J. E. Cahill—from the county of Mason.  
J. Morgan Chinn—from the county of Mercer.  
John Collins—from the counties of Floyd, Knott and Letcher.  
A. S. Denton—from the county of Henderson.  
Claude Desha—from the county of Harrison.  
J. B. Depp—from the county of Barren.  
M. T. Freeman—from the county of Pulaski.  
W. W. Gill—from the county of Logan.  
W. C. Holland—from the counties of Lyon and Marshall.  
C. W. Haverly—from the counties of Laurel and Rockcastle.  
J. S. Hood—from the county of Fleming.  
J. A. Humphreys—from the county of Fayette—Second District.  
W. C. G. Hobbs—from the county of Fayette—First District.  
James H. Hall—from the county of Powell.  
James M. Hall—from the counties of Bell, Harlan, Leslie and Perry.  
John T. Hinton—from the county of Bourbon.  
J. P. Haswell, Jr.—from the county of Breckinridge.  
W. B. Henderson—from the county of Caldwell.  
G. W. Hickman—from the county of McLean.  
Anderson Hatfield—from the county of Pike.  
J. A. Ingram—from the counties of Knox and Whitley.

J. P. Jeffries—from the county of Muhlenberg.  
R. C. Jarnagin—from the county of Ohio.  
J. H. Lackey—from the county of Trigg.  
D. D. Lykins—from the county of Lewis.  
Joseph F. Laufer—from the city of Louisville—Second District.  
John M. Letterle—from the city of Louisville—First District.  
J. M. Lee—from the counties of Bullitt and Spencer.  
J. R. Mallory—from the county of Todd.  
J. D. Mocquot—from the county of McCracken.  
W. A. Morris—from the counties of Nicholas and Robertson.  
J. R. Mount—from the counties of Oldham and Trimble.  
J. J. Marquette—from the county of Pendleton.  
W. J. Mears—from the county of Larue.  
R. C. Myers—from the county of Greenup.  
Noah Marsee—from the county of Garrard.  
John M. Moore—from the counties of Ballard and Carlisle.  
W. H. McKee—from the county of Anderson.  
F. May—from the counties of Boyd and Lawrence.  
J. H. Minor—from the county of Boyle.  
Reuben Morris—from the counties of Butler and Edmonson.  
M. F. North—from the county of Lincoln.  
Chas. Aaron Nelson—from the county of Hardin.  
Emmett Orr—from the county of Owen.  
Chas. F. Ogden—from the city of Louisville—Third District.  
Michael O'Sullivan—from the county of Shelby.  
L. J. Owen—from the county of Grayson.  
Harry C. Pulliam—from the city of Louisville—Fifth District.  
E. Petty—from the county of Grant.  
W. C. Pike—from the counties of Green and Taylor.  
D. S. Powers—from the counties of Clinton and Wayne.  
V. Perkins—from the county of Webster.  
A. B. Pieratt—from the counties of Morgan and Wolfe.  
L. C. Rawlings—from the county of Marion.  
W. H. Ragland—from the county of Jefferson—First District.  
R. E. Richardson—from the county of Hart.  
E. H. Read—from the county of Allen.

J. S. Robey—from the county of Simpson.

S. Atwood Smith—from the city of Louisville—Sixth District.

Geo. Weissinger Smith—from the city of Louisville—Fourth District.

F. G. Shepherd—from the county of Kenton—First District.

J. A. Small—from the county of Daviess—First District.

Andrew Sargent—from the county of Christian.

W. T. Sharp—from the counties of Casey and Russell.

O. P. Searcy—from the counties of Carroll and Gallatin.

Waller Sharp—from the counties of Bath and Rowan.

G. B. Stout—from the county of Woodford.

Ham Shehan—from the county of Washington.

B. F. Saunders—from the county of Union.

A. J. Thompson—from the county of Meade.

Frank M. Tracy—from the county of Kenton—Second District.

South Trimble—from the county of Franklin.

George Traver—from the county of Campbell—Second District.

H. S. Vanzant—from the counties of Metcalfe and Monroe.

L. E. Weatherford—from the county of Graves.

C. A. Wilson—from the county of Jessamine.

C. B. Wheeler—from the counties of Johnson and Martin.

R. E. Watkins—from the county of Daviess—Second District.

R. C. Walker—from the counties of Crittenden and Livingston.

David Woods—from the counties of Clay, Jackson and Owsley.

J. D. Wills—from the county of Clark.

James H. Williams—from the counties of Montgomery and Menefee.

The above-named then came forward and took the oath of office required by law, except Hon. E. Petty, from the county of Grant; Mr. Meloan, from the county of Calloway, and Mr. Spurlock, of Magoffin, presented certificates of election which were received and filed.

Mr. Trimble named the Hon. J. C. W. Beckman, of the county of Nelson, as a suitable person for Speaker of the House.

Mr. Ogden named the Hon. J. P. Haswell, Jr., of the county of Breckinridge, as a suitable person for Speaker of the House.

The vote being taken between those named resulted as follows:

Those who voted for Mr. Beckham were—

M. Abele,	J. P. Haswell, Jr.,	A. B. Pieratt,
Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	R. E. Richardson,
J. L. Brown,	Joseph F. Laufer,	J. S. Robey,
A. C. Brown,	John M. Letterle,	S. Atwood Smith,
George H. Bishop,	J. M. Lee,	Geo. Weissinger Smith,
Reuben Conner,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. D. Mocquot,	J. A. Small,
W. W. Combs,	W. A. Morris,	O. P. Searcy,
T. W. Clark,	J. R. Mount,	Miles Spurlock,
W. T. Chilton,	J. J. Marquette,	G. B. Stout,
W. H. Cooke,	W. J. Mears,	B. F. Saunders.
J. C. Cantrill,	John M. Moore,	A. J. Thompson,
J. E. Cahill,	W. H. McKee,	Frank M. Tracy.
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	George Traver,
Claude Desha,	Chas. Aaron Nelson,	L. E. Weatherford,
J. B. Depp,	Emmett Orr,	C. A. Wilson,
W. W. Gill,	L. J. Owen,	R. E. Watkins,
W. C. Holland,	Harry C. Pulliam,	R. C. Walker,
J. A. Humphreys,	W. C. Pike,	J. D. Wills.
W. C. G. Hobbs,	V. Perkins,	J. H. Williams—70.
John T. Hinton,		

Those who voted for Mr. Haswell were—

W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	D. S. Powers,
M. T. Freeman,	D. D. Lykins,	E. H. Read,
C. W. Haverly,	R. C. Myers,	Andrew Sargent,
J. S. Hood,	Noah Marsee,	W. T. Sharp,
James M. Hall,	F. May,	H. S. Vanzant,

Anderson Hatfield, J. H. Minor, C. B. Wheeler,  
J. A. Ingram, Reuben Morris, J. C. W. Beckham—24.

Mr. Beckham having received a majority of all the votes cast was declared elected Speaker of the House.

Messrs. Trimble and Haswell were appointed a committee to escort the Speaker to the chair.

After taking the oath required by law, the Speaker returned his thanks to the House for the honor conferred, recommended the proper observance of order and decorum, and announced that the next business in order would be the election of a Chief Clerk.

Mr. Trimble named C. B. Hill, of the county of Lee, as a proper person for Chief Clerk.

Mr. Ogden named Mr. M. S. Woods, of the county of Greenup, as a suitable person for Chief Clerk.

The vote being taken resulted as follows:

Those who voted for Mr. Hill were—

M. Abele,	W. B. Henderson,	L. C. Rawlings,
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
T. H. Armstrong,	J. H. Lackey,	R. E. Richardson,
B. W. Bradburn,	Joseph F. Laufer,	J. S. Robey,
J. L. Brown,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	Geo. Weissinger Smith,
Geo. H. Bishop,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	J. D. Mocquot,	J. A. Small,
A. H. Charlton,	W. A. Morris,	O. P. Searcy,
W. W. Combs.	J. R. Mount,	Miles Spurlock,
T. W. Clark,	J. J. Marquette,	Waller Sharp,
W. T. Chilton,	W. J. Mears,	G. B. Stout,
W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. C. Cantrill,	W. H. McKee,	A. J. Thompson,
J. E. Cahill,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	M. F. North,	South Trimble,
A. S. Denton,	Chas. Aaron Nelson,	George Traver,
Claude Desha,	Emmett Orr,	L. E. Weatherford,

J. B. Depp,	Michael O'Sullivan,	C. A. Wilson,
W. W. Gill,	L. J. Owen,	R. E. Watkins,
W. C. Holland,	Harry C. Pulliam,	R. C. Walker,
J. A. Humphreys,	W. C. Pike,	J. D. Wills,
W. C. G. Hobbs,	V. Perkins,	James H. Williams,
John T. Hinton,	A. B. Pieratt,	Spk'r Beckham—72.

Those who voted for Mr. M. S. Woods were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	D. S. Powers,
M. T. Freeman,	R. C. Jarnagin,	E. H. Read,
C. W. Haverly,	D. D. Lykins,	Andrew Sargent,
J. S. Hood,	R. C. Myers,	W. T. Sharp,
James M. Hall,	Noah Marsee,	H. S. Vanzant,
J. H. Hall,	F. May,	C. B. Wheeler,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods—26.
Anderson Hatfield,	Reuben Morris,	

Mr. Hill having received a majority of all the votes cast was declared duly elected Chief Clerk of the House. Thereupon he appeared at the Clerk's desk, took the oath required by law, and assumed the duties of office.

Mr. Trimble named Green R. Keller, of the county of Nicholas, as a suitable person for Assistant Clerk of the House.

Mr. Ogden named Mr. S. R. Adams, of the county of Letcher, as a suitable person for Assistant Clerk of the House.

The vote being taken resulted as follows:

Those who voted for Mr. Keller were—

M. Abele,	W. B. Henderson,	W. H. Ragland,
Bruce Adkins,	G. W. Hickman,	R. E. Richardson,
T. H. Armstrong,	J. H. Lackey,	J. S. Robey,
B. W. Bradburn,	Joseph F. Laufer,	S. Atwood Smith,
J. L. Brown,	John M. Letterle,	Geo. Weissinger Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd,

George H. Bishop,	J. R. Mallory,	J. A. Small,
Reuben Conner,	J. D. Mocquot,	O. P. Searcy,
A. H. Charlton,	W. A. Morris,	Miles Spurlock,
T. W. Clark,	J. R. Mount,	Waller Sharp,
W. T. Chilton,	J. J. Marquette,	G. B. Stout,
W. H. Cooke,	W. J. Mears,	B. F. Saunders,
J. C. Cantrill,	John M. Moore,	A. J. Thompson,
J. E. Cahill,	W. H. McKee,	Frank M. Tracy,
J. Morgan Chinn,	J. Mc Meloan,	South Trimble,
A. S. Denton,	W. F. North,	George Traver,
Claude Desha,	Charles Aaron Nelson,	L. E. Weatherford,
J. B. Depp,	Emmett Orr,	C. A. Wilson,
W. W. Gill,	Michael O'Sullivan,	R. L. Watkins,
W. C. Holland,	L. J. Owen,	R. C. Walker,
J. A. Humphreys,	Harry C. Pulliam,	J. D. Wills,
W. C. G. Hobbs,	W. C. Pike,	James H. Williams,
J. H. Hall,	A. B. Pieratt,	Sp'kr Beckham—71
John T. Hinton,	L. C. Rawlings,	

Those who voted for Mr. Adams were—

W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	D. S. Powers,
M. T. Freeman,	D. D. Lykins,	E. H. Read,
C. W. Haverly,	R. C. Myers,	Andrew Sargent,
J. S. Hood,	Noah Marsee,	W. T. Sharp,
James M. Hall,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	C. B. Wheeler,
Anderson Hatfield,	Reuben Morris,	David Woods—25.
J. A. Ingram,		

Mr. Keller having received a majority of all the votes cast was declared to be duly elected Assistant Clerk, and, appearing at the Clerk's desk, took the oath required by law and assumed the duties of office.

Mr. Trimble named Mr. Percy Haley of the county of Franklin as a suitable person for Sergeant-at-Arms.



Mr. Ogden named Mr. Richard McCracken of Muhlenburg county as a suitable person for Sergeant-at-Arms.

The vote being taken resulted as follows:

Those who voted for Mr. Haley were—

M. Abele,	G. W. Hickman,	W. H. Ragland,
Bruce Adkins,	J. H. Lackey,	R. E. Richardson,
T. H. Armstrong,	Joseph F. Laufer,	J. S. Robey,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
J. L. Brown,	J. M. Lee,	Geo. Weissinger Smith,
A. C. Brown,	J. R. Mallory,	F. G. Shepherd,
George H. Bishop,	J. D. Mocquot,	J. A. Small,
Reuben Conner,	W. A. Morris,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	J. J. Marquette,	Waller Sharp,
W. T. Chilton,	W. J. Mears,	G. B. Stout,
W. H. Cooke,	John M. Moore,	Ham Shehan,
J. C. Cantrill,	W. H. McKee,	A. J. Thompson,
J. E. Cahill,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	M. F. North,	South Trimble,
A. S. Denton,	Chas. Aaron Nelson,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	Harry C. Pulliam,	R. E. Watkins,
W. C. Holland,	W. C. Pike,	R. C. Walker,
J. A. Humphreys,	V. Perkins,	J. D. Wills,
W. C. G. Hobbs,	A. B. Pieratt,	James H. Williams,
John T. Hinton,	L. C. Rawlings,	Sp'kr Beckham—75.
W. B. Henderson,		

Those who voted for Mr. McCracken were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	D. S. Powers,
C. W. Haverly,	D. D. Lykins,	E. H. Read,
J. S. Hood,	R. C. Myers,	Andrew Sargent,

James H. Hall,	Noah Marsee,	W. T. Shar
James M. Hall,	F. May,	H. S. Vanz
J. P. Haswell, Jr.,	J. H. Minor,	C. B. Whee
Anderson Hatfield,	Reuben Morris,	David Woo

Mr. Haley, having received a majority of all the votes, was declared duly elected Sergeant-at-Arms, whereupon he appeared at the clerk's desk and took the oath required by law.

Mr. Trimble named Mr. Henry Williams, of Warren, as a suitable person for Enrolling Clerk.

Mr. Ogden named Mr. Irwin Allen, of the County of Madison, as a suitable person for Enrolling Clerk.

The vote, being taken, resulted as follows:

Those who voted for Mr. Williams were—

M. Able,	G. W. Hickman,	R. E. Richards
Bruce Adkins,	J. H. Lackey,	J. S. Robey,
T. H. Armstrong,	Joseph F. Laufer,	S. Atwood Sn
B. W. Bradburn,	John M. Letterle,	Geo. Weissing
J. L. Brown,	J. M. Lee,	F. G. Shepher
A. C. Brown,	J. R. Mallory,	J. A. Small,
George H. Bishop,	J. D. Mocquot,	O. P. Searcy,
Reuben Conner,	W. A. Morris,	Miles Spurlock
A. H. Charlton,	J. R. Mount,	Waller Sharp,
W. W. Combs,	J. J. Marquette,	G. B. Stout,
T. W. Clark,	W. J. Mears,	Ham Shehan,
W. T. Chilton,	John M. Moore,	B. F. Saunder
W. H. Cooke,	W. H. McKee,	A. J. Thompson
J. C. Cantrill,	J. Mc. Meloan,	Frank M. Tra
J. E. Cahill,	M. F. North,	South Trimble
J. Morgan Chinn,	Chas. Aaron Nelson,	George Traver
A. S. Denton,	Emmett Orr,	L. E. Weather
Claude Desha,	Michael O'Sullivan,	C. A. Wilson,
J. B. Depp,	L. J. Owen,	R. E. Watkins
W. W. Gill,	Harry C. Pulliam,	R. C. Walker,

W. C. Holland,	W. C. Pike,	J. D. Wills,
J. A. Humphreys,	V. Perkins,	James H. Williams,
W. C. G. Hobbs,	A. B. Pieratt,	Speaker Beckham—72.
John T. Hinton,	L. C. Rawlings,	
W. B. Henderson,	W. H. Ragland,	

Those who voted for Mr. Allen were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	D. S. Powers,
M. T. Freeman,	R. C. Jarnagin,	E. H. Read,
C. W. Haverly,	D. D. Lykins,	Andrew Sargent,
J. S. Hood,	R. C. Myers,	W. T. Sharp,
James H. Hall,	Noah Marsee,	H. S. Vanzant,
James M. Hall,	F. May,	C. B. Wheeler,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods—26.
Anderson Hatfield,	Reuben Morris,	

Mr. Williams having received a majority of all the votes cast was declared to be duly elected Enrolling Clerk of the House, whereupon he appeared and took the oath required by law.

Mr. Trimble named Mr. Wm. M. Lyons of the County of Jessamine as a suitable person for Doorkeeper.

Mr. Ogden named Mr. R. E. McCandless of the County of Metcalfe as a suitable person for Doorkeeper.

The vote being taken resulted as follows:

Those who voted for Mr. Lyons were—

M. Abele,	W. B. Henderson,	L. C. Rawlings,
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
T. H. Armstrong,	J. H. Lackey,	R. E. Richardson,
B. W. Bradburn,	Joseph F. Laufer,	J. S. Robey,
J. L. Brown,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	Geo. Weissinger Smith,
George H. Bishop,	J. R. Mallory,	F. G. Shepherd,

Reuben Conner,	J. D. Mocquot,	J. A. Small,
A. H. Charlton,	W. A. Morris,	O. P. Searcy,
T. W. Clark,	J. R. Mount,	Miles Spurlock,
W. T. Chilton,	J. J. Marquette,	Waller Sharp,
W. H. Cooke,	John M. Moore,	G. B. Stout,
J. C. Cantrill,	W. H. McKee,	Ham Shehan,
J. E. Cahill,	J. Mc. Meloan,	B. F. Saunde,
J. Morgan Chinn,	M. F. North,	A. J. Thomps,
A. S. Denton,	Chas. Aaron Nelson,	Frank M. Tr,
Claude Desha,	Emmett Orr,	South Trimble,
J. B. Depp,	Michael O'Sullivan,	George Trave,
W. W. Gill,	L. J. Owen,	L. E. Weathe,
W. C. Holland,	Harry C. Pulliam,	C. A. Wilson,
J. A. Humphreys,	W. C. Pike,	R. E. Watkin,
W. C. G. Hobbs,	V. Perkins,	R. C. Walker,
John T. Hinton,	A. B. Pieratt,	Sp'kr Beckha,

Those who voted for Mr. McCandless were—

W. H. Cole,	J. P. Jeffries,	Chas. F. O,
John Collins,	R. C. Jarnagin,	D. S. Powe,
C. W. Haverly,	D. D. Lykins,	E. H. Read,
J. S. Hood,	R. C. Myers,	Andrew Sa,
James H. Hall,	Noah Marsee,	W. T. Shar,
James M. Hall,	F. May,	H. S. Vanz,
J. P. Haswell, Jr.	J. H. Minor,	C. B. Wheel,
Anderson Hatfield,	Reuben Morris,	David Woo,
J. A. Ingram,		

Mr. Lyons having received a majority of all the votes declared elected as Doorkeeper, whereupon he appeared and took the oath prescribed by law.

Mr. Trimble named Mr. J. M. Swango of the County as a suitable person for Janitor of the House.

Mr. Jarnagin named Mr. Morris Taylor of the County as a suitable man for Janitor of the House.

The vote being taken resulted as follows :

Those who voted for Mr. Swango were—

M. Abele,	J. H. Lackey,	R. E. Richardson,
Bruce Adkins,	Joseph F. Laufer,	J. S. Robey,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
J. L. Brown,	J. M. Lee,	Geo. Weissinger Smith,
A. C. Brown,	J. R. Mallory,	F. G. Shepherd,
George H. Bishop,	J. D. Mocquot,	J. A. Small,
A. H. Charlton,	W. A. Morris,	O. P. Searcy,
W. W. Combs,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	J. J. Marquette,	Waller Sharp,
W. T. Chilton,	W. J. Mears,	G. B. Stout,
W. H. Cooke,	John M. Moore,	Ham Shehan,
J. C. Cantrill,	W. H. McKee,	B. F. Saunders,
J. E. Cahill,	J. Mc. Meloan,	A. J. Thompson,
J. Morgan Chinn,	M. F. North,	Frank M. Tracy,
A. S. Denton,	Chas. Aaron Nelson,	South Trimble,
Claude Desha,	Emmett Orr,	George Traver,
J. B. Depp,	Michael O'Sullivan,	L. E. Weatherford,
W. W. Gill,	L. J. Owen,	C. A. Wilson,
W. C. Holland,	Harry C. Pulliam,	R. E. Watkins,
J. A. Humphreys,	W. C. Pike,	R. C. Walker,
W. C. G. Hobbs,	V. Perkins,	J. D. Wills,
John T. Hinton,	A. B. Pieratt,	Spk'r Beckham—70.
W. B. Henderson,	L. C. Rawlings,	
G. W. Hickman,	W. H. Ragland,	

Those who voted for Mr. Taylor were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	D. S. Powers,
M. T. Freeman,	R. C. Jarnagin,	E. H. Read,
C. W. Haverly,	D. D. Lykins,	Andrew Sargent,
J. S. Hood,	R. C. Myers,	W. T. Sharp,
James M. Hall,	Noah Marsee,	H. S. Vanzant,

James H. Hall,  
J. P. Haswell, Jr.,  
Anderson Hatfield,

F. May,  
J. H. Minor,  
Reuben Morris,

C. B. Wheeler  
David Woods

Mr. Swango having received a majority of all the votes was declared elected Janitor of the House, whereupon Mr. Swango appeared and took the oath required by law.

Mr. Charlton moved that the House adjourn until to-morrow morning at 11 o'clock.

Said motion was adopted.

And then the House adjourned.

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WEDNESDAY, JANUARY 5, 1898.

The House was opened with prayer by Rev. Geo. Darsie Christian Church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was read and approved.

Mr. E. Petty, from the county of Grant, appeared and took the oath required by law as a member of the House.

The Speaker announced that the election of officers was the first business in order.

Mr. Trimble named Mr. George A. Hendrick, of the county of Campbell, as a suitable person for Cloak Room Keeper.

Mr. Myers named Mr. Wise Watts, of Christian county, as a proper person for Cloak Room Keeper.

The vote being taken resulted as follows:

## Those who voted for Mr. Kendrick were—

M. Abele,	G. W. Hickman,	L. C. Rawlings,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,
J. L. Brown,	Joseph F. Laufer,	J. S. Robey,
A. C. Brown,	John M. Letterle,	S. Atwood Smith,
George H. Bishop,	J. M. Lee,	F. G. Shepherd,
Reuben Conner,	J. R. Mallory,	J. A. Small,
A. H. Charlton,	J. D. Mocquot,	O. P. Searcy,
W. W. Combs,	W. A. Morris,	Miles Spurlock,
W. T. Chilton,	J. R. Mount,	G. B. Stout,
W. H. Cooke,	J. J. Marquette,	Ham Shehan,
J. C. Cantrill,	W. J. Mears,	B. F. Saunders,
J. E. Cahill,	John M. Moore,	A. J. Thompson,
J. Morgan Chinn,	J. Mc. Meloan,	Frank M. Tracy,
A. S. Denton,	M. F. North,	South Trimble,
Claude Desha,	Chas. Aaron Nelson,	George Traver,
J. B. Depp,	Emmett Orr,	L. E. Weatherford,
W. W. Gill,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	Harry C. Pulliam,	R. C. Walker,
W. C. G. Hobbs,	E. Petty,	J. D. Wills,
John T. Hinton,	W. C. Pike,	Spk'r Beckham—62.
W. B. Henderson,		

## Those who voted for Mr. Watts were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	D. S. Powers,
M. T. Freeman,	R. C. Jarnagin,	V. Perkins,
C. W. Haverly,	D. D. Lykins,	E. H. Read,
J. S. Hood,	R. C. Myers,	Andrew Sargent,
James M. Hall,	Noah Marsee,	W. T. Sharp,
J. H. Hall,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	C. B. Wheeler,
Anderson Hatfield,	Reuben Morris,	David Woods—26.



Mr. Kendrick having received a majority of all votes cast was declared elected, whereupon he appeared and took the oath required by law.

Mr. Trimble named Mr. J. H. Ealy, of the County of Todd as a suitable person for Assistant Cloak Room Keeper.

Mr. Meyers named Mr. Eugene Page, of the County of Edmondson, as a suitable Person for Assistant Cloak Room Keeper.

The vote being taken resulted as follows:

Those who voted for Mr. Ealy were—

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	J. H. Lackey,	W. H. Ragland,
B. W. Bradburn,	Joseph F. Laufer,	J. S. Robey,
J. L. Brown,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd,
George H. Bishop,	J. R. Mallory,	O. P. Searcy,
Reuben Conner,	J. D. Mocquot,	Miles Spurlock,
W. T. Chilton,	W. A. Morris,	Waller Sharp,
W. H. Cooke,	J. R. Mount,	G. B. Stout,
J. C. Cantrill,	W. J. Mears,	Ham. Shehan,
J. E. Cahill,	John M. Moore,	B. F. Saunders,
J. Morgan Chinn,	J. Mc. Meloan,	A. J. Thompson,
A. S. Denton,	M. F. North,	Frank M. Tracy,
Claude Desha,	Chas. Aaron Nelson,	South Trimble,
J. B. Depp,	Emmett Orr,	George Traver,
W. W. Gill,	Michael O'Sullivan,	L. E. Weatherford,
W. C. Holland,	L. J. Owen,	C. A. Wilson,
J. A. Humphreys,	Harry C. Pulliam,	R. E. Watkins,
W. C. G. Hobbs,	E. Petty,	R. C. Walker,
John T. Hinton,	V. Perkins,	Spk'r Beckham—61
W. B. Henderson,		

Those who voted for Mr. Page were—

W. H. Cole,	J. A. Ingram,	Reuben Morris,
John Collins,	J. P. Jeffries,	Chas. F. Ogden,

M. T. Freeman,	R. C. Jarnagin,	D. S. Powers,
C. W. Haverly,	D. D. Lykins,	E. H. Read,
J. S. Hood,	R. C. Myers,	Andrew Sargent,
James M. Hall,	Noah Marsee,	W. T. Sharp,
J. H. Hall,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.	J. H. Minor,	David Woods—25.
Anderson Hatfield,		

Mr. Ealy having received a majority of all the votes cast was declared elected Assistant Cloak-Room Keeper, whereupon he appeared and took the oath required by law.

Mr. Trimble named Master Emmett Holland, of the County of Calloway, Harris Alexander, of the County of Mason, Twyman Lackey, of the County of Trigg, and Walter Snodgrass, of the County of Mercer, as suitable persons for pages of the House.

Mr. Ogden named Masters Frank Barnett, of the County of Pulaski, Chester Searcy, of the County of Jefferson, Josh Simonson, of the County of Lewis, and Walter Oaks, of the County of Russell, as suitable persons for pages of the House.

The vote being taken resulted as follows:

Those who voted for Masters Holland, Alexander, Lackey and Snodgrass were—

M. Abele,	W. B. Henderson,	L. C. Rawlings,
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
T. H. Armstrong,	J. H. Lackey,	R. E. Richardson,
B. W. Bradburn,	Joseph F. Laufer,	J. S. Robey,
J. L. Brown,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd,
George H. Bishop,	J. R. Mallory,	O. P. Searcy,
Reuben Conner,	J. D. Mocquot,	Miles Spurlock,
A. H. Charlton,	W. A. Morris,	Waller Sharp,
W. W. Combs,	J. R. Mount,	G. B. Stout,
T. W. Clark,	J. J. Marquette,	Ham Shehan,
W. T. Chilton,	W. J. Mears,	B. F. Saunders,

W. H. Cooke,	John M. Moore,	A. J. Thos
J. C. Cantrill,	W. H. McKee,	Frank M.
J. E. Cahill,	J. Mc. Meloan,	South Tri
J. Morgan Chinn,	A. B. Pieratt,	George Tr
A. S. Denton,	M. F. North,	L. E. Weat
Claude Desha,	Chas. Aaron Nelson,	C. A. Wilsc
J. B. Depp,	Emmett Orr,	R. C. Watk
W. W. Gill,	L. J. Owen,	R. C. Walk
W. C. Holland,	Harry C. Pulliam,	J. D. Wills,
J. A. Humphreys,	E. Petty,	James H. W
W. C. G. Hobbs,	W. C. Pike,	Spk'r Beckh
John T. Hinton,	V. Perkins,	

Those who voted for Masters Barnett, Searcy, Simons  
Oaks were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogde
John Collins,	J. P. Jeffries,	D. S. Powers,
M. T. Freeman,	R. C. Jarnagin,	E. H. Read,
C. W. Haverly,	D.D. Lykins,	Andrew Sarge
J. S. Hood,	R. C. Myers,	W. T. Sharp,
James M. Hall,	F. May,	H. S. Vanzant,
J. H. Hall,	J. H. Minor,	C. B. Wheeler,
J. P. Haswell, Jr.,	Reuben Morris,	David Woods,—
Anderson Hatfield,		

Masters Holland, Alexander, Lackey and Snodgrass have received a majority of all the votes cast, were declared to elected Pages of the House.

Mr. Charlton moved the adoption of the following resolution viz:

*Resolved*, That a committee of three members of the House appointed by the Speaker to wait upon the Senate, and notify that body that this House is now organized and ready to proceed to business, and that said committee shall, in conjunction with like committee to be appointed by the Senate, wait upon the Governor and inform him that this General Assembly is now organ

ized and ready to receive any communication he may have to make.

Said resolution was adopted.

Whereupon the Speaker announced Messrs. Charlton, Waller Sharp and Sargent as said committee.

After a time the committee returned and reported that they had discharged the duty assigned them, and that the Governor would shortly lay before the House a communication in writing.

A message was recived from the Senate announcing that the Senate was organized and ready to proceed with the business of the Session.

The Clerk laid before the House certain papers in regard to the contest of A. Bertram vs. D. S. Powers, for Representative of the district composed of Counties of Wayne and Clinton.

Mr. Bradburn moved the adoption of the following resolution, viz:

Resolved, That the Sergeant-at-Arms of this House shall invite a minister of the City of Frankfort to attend and offer prayer upon each day's assembly of this body.

Said resolution was adopted.

Mr. Charlton moved the adoption of the following resolution, viz:

Resolved, That the Speaker appoint a committee of five members on Rules for the Government of the House of Representatives, of which Committee the Speaker shall be *ex-officio* member and Chairman.

The Speaker named as said committee, Messrs. Beckham, Chinn, Bradburn, Hobbs and G. W. Smith.

A message was received from the Governor as follows:

To the General Assembly of the Commonwealth of Kentucky:

In compliance with constitutional duty this message is communicated, with the hope that—a United States Senator having been elected—important and needful legislation, which has been

hitherto neglected, will now receive serious and thoughtful  
tion.

#### STATE INDEBTEDNESS.

By authority of law enacted at the last session, the five hundred thousand dollars bonds were prepared and bids taken therefor. These bonds only bear 4 per cent. interest, payable annually, and have but ten years to run, but, despite these facts they were sold at a premium of 7.47 per cent. This is the sale of State bonds ever made in the Union, outside the State of New York.

Below is appended a statement, furnished by the Auditor of the financial condition of the State on the last day of November 1897, it being impossible to obtain a statement as of last of December for want of time:

#### BONDED INDEBTEDNESS.

Coupon Bonds, issued July 1, 1897, due ten years from date, bearing 4 per cent. interest, payable semi-annually.....	\$500,000
Certificates of indebtedness issued June 1, 1885, due June 1, 1905, bearing 4 per cent. interest, payable semi-annually.....	500,000
A. & M. College and Normal School Bonds.....	165,000
Old Railroad Script.....	394 0
Old 30-year issue (1835).....	5,000 0
Old issue from 1840 to 1846.)	1,000 0
Educational Bonds, bearing 6 per cent. interest, payable semi-annually out of Sinking Fund....	2,312,596 86
Total.....	<u>\$3,483,990 86</u>

#### FLOATING DEBT PAST DUE IS:

Outstanding warrants.....	\$1,120,576 31
Estimated unaudited claims.....	5,000 00
Unpaid appropriations (1894) for Asylum buildings	31,071 55
Unpaid appropriations House of Reform.....	100,000 00
Unpaid appropriations Chattanooga Park.....	10,000 00
Due Asylums.....	2,700 00

Deficit General Expenditure Fund.....	130,812 63
Deficit Common School Fund.....	171,964 84
Total .....	<u>\$1,562,125 33</u>
Add bonded debt above.....	3,483,990 86
Total indebtedness.....	<u><u>\$5,046,116 19</u></u>

## RESOURCES OF SINKING FUND ARE:

Balance in Sinking Fund.....	\$462,252 72
406 shares stock Bank of Louisville.....	24,360 00
Turnpike stock.....	100,000 00
Total .....	<u><u>\$586,612 72</u></u>

After deducting the latter amount the net amount of indebtedness is \$4,459,503.47, Of this amount the educational bonds are not subject to redemption, but constitute a perpetual debt, the interest upon which is payable semi-annually.

It will be observed that the stock in Bank of Louisville has slightly decreased in value, while the turnpike stock, owing to the conduct of raiders, is estimated at only one-fourth of its former value.

## MOBS.

To the shame of the Commonwealth, I am again compelled to call your attention to the fact that organized bands of lawless men have continued and are continuing their nefarious work throughout the State, notwithstanding the passage of legislation especially intended to prevent their operations.

In Hancock county, in open day and without masks or even pretense of secrecy, a negro was forcibly taken from the jail and hung on the public streets of Hawesville. Rewards were promptly offered, but the coroner's jury, doubtless composed of blind men before whom none but blind witnesses testified, returned a verdict that deceased had lost his life at the hands of persons unknown to them. There can be no excuse or palliation for the conduct of the brute who was swung into eternity, but nevertheless the mob, in hanging him, were guilty of murder.

Such swift punishment is not attended by the anguish and suffering endured by the condemned criminal, and does not inspire the dread or terror of a legal execution. Doubtless, had the guilty wretch been given his choice of punishment, he would have selected that meted out to him. So that, in his legal execution, the law was robbed of its victim, the punishment inflicted less severe than it would otherwise have been, and the law violated and trampled under foot.

As said in my inaugural, "mob violence (whose home is in the breasts of cowards) should be prevented at all hazard, or, if committed, promptly and severely punished. It is an open declaration of contempt for the laws, the courts and the administration of justice, and, instead of promoting, destroys the welfare of the State. The commission of crime to punish crime can find no apologist in christian civilization."

In this connection allow me to call your attention to the insufficiency of the law concerning an attempt to rape. In such cases, where the person assaulted receives injury, the law should provide punishment by confinement in the penitentiary for not less than ten years, or life, or by death, in the discretion of the jury, as the extent of injury may demand. The fiend who makes an assault on a defenseless woman, with such hellish purpose in view, is equally guilty with him who accomplishes his purpose. But for the sake of law and order and the fair name of the Commonwealth, courts, rather than mobs, should punish him.

Your attention is especially directed to the frequent occurrence of what is called "turnpike raids." Persons engaged in this character of crime have become more emboldened, while law-abiding citizens seem to have become paralyzed. The Martin law, although well intended, has failed to accomplish its purpose. I have faithfully tried to enforce it by offering rewards and employing detectives, but do not know of a single conviction under its provisions. On the contrary, in many localities public sentiment is reported as endorsing the crime. In nearly every instance where these crimes have been committed the vicious are loud-mouthed in approval, while peaceable citizens, more or less,



are over-awed and afraid to speak. This appears strange in a State which boasts of the prowess of her sons. Nevertheless it is true. Be it said, however, to the credit of Kentucky, that the citizens of the greater portion of the State condemn such high-handed outrages. I am satisfied that in numerous instances many of those who pose as good citizens have winked at this outlawry, because they supposed the result would be the depreciation in value of turnpikes, and thus enable the counties to purchase them at nominal prices, thereby preventing, in a large degree, the levying of taxes. Advantage has been taken by some of the fiscal courts of this condition of affairs, and counties have become beneficiaries of crime, which would not have been committed but for the worthlessness and cowardice of officials and the corruption of citizens, who openly countenanced the law-breakers. Frequently counties have voted for free turnpikes by large majorities and at the same time voted against the issuance of bonds to pay for them. In other words, they declare they will have free roads without making compensation.

Under such circumstances, as might be expected, turnpike stock owned by the State, which was valued at \$400,000 three years ago, and which produced nearly \$24,000 dividends annually, is comparatively worthless.

In many places turnpike officials fear to ask for guards lest their houses should be burned or they should be assassinated. In one case the State Inspector was sent to the scene of trouble to make the application for guards, but on his arrival was notified by the former gate-keepers that they would not collect toll because of fear that the guards would not protect them, or that the guards would be soon withdrawn, when they would be killed. It is very clear in many places that peace officers are in sympathy with the mob, in others that they prefer that the outrages should continue and the turnpikes be bought for a song, rather than the county should be taxed to pay for guards, and in others that guards can not be found who have the courage or desire to do their duty. Again, the friends and relations of the raiders, and in some instances the raiders themselves, have been appointed as.

guards and promptly surrendered to the outlaws. Arduous prices, merely nominal, have been placed upon some of the tolls, and the owners notified that they must accept them or be obliged to cease the collection of toll. But in all localities the collectors have seen that pikes were assessed at good values and promptly collected. In one instance the raiders carried their work to its proper conclusion by robbing the gate-keeper of his tolls.

This evil, so long continued, is seeking other fields of operation. It naturally occurs to the raiders that if tollgates can be taken with impunity, all other property can be taken in like manner. And so it is, these knights of the road have undertaken to regulate the quantity of tobacco the farmer should cultivate, destroy his plants if he dared to disobey; have notified the miller that he should charge no more for flour than the price fixed by the law, threatened with the shot-gun and the torch farmers who would not posted their lands, if the boards were not taken down and allowed to hunt without hindrance; and, notwithstanding this high-handed conduct, not one of the ruffians have been punished.

Candidates for office have been known to openly champion these criminals in order to be elected, and have thereby been elected, while those who have stood for good government have almost universally gone down in defeat.

If this spirit is not stamped out the day is not far distant when the State will be completely under the control of swarms of bucklers and highway robbers, who will rob, steal and murder at will.

The stock in turnpikes owned by the State was bought for the taxes assessed upon the whole people, and was thereafter set apart as a portion of the Sinking Fund, and under the provision of the Constitution can not be diminished by act of the Legislature until the debt of the Commonwealth is paid. Thousands of public-spirited citizens, and in many instances the widow and guardian of orphans, have invested in these stocks, relying on the laws of the State and their enforcement for protection.

Granting, for arguments sake, that free roads are desirable, it by no means follows that their owners should be robbed and plundered.

You are now boldly confronted with the question, whether these crimes are to continue, or whether the State has the will and the power to protect the lives and the property of its citizens.

In January, 1896, I recommended in a general message, and afterwards at that session in a special message, and again at the late call session, the passage of a law making the counties where mob violence prevailed responsible in damages to the widows, children or heirs of persons killed, and responsible to those injured in person or property. This law has proven salutary in every State of the Union where it has been enacted. With it should be connected the absolute right to change of venue, so that the trials may be had by unprejudiced juries in unprejudiced communities. I have been informed that among other contentions which prevented the adoption of such a statute, it was asserted that corporations would burn their property, or prevent the collection of tolls in order to sue the counties, and that persons would have their relatives killed in order to recover damages from the county. These objections are puerile. The agents or employees of corporations of course would be punishable for such crimes, and in such cases no recovery could be had; and with the present disposition to obtain turnpikes at nominal prices, it may be safely assumed that extravagant verdicts would not be rendered. Besides, if the owners of the roads were protected in their rights they would have no disposition to destroy their property, or, if they did, could not carry it into execution without great risk of total loss.

The other objection does not merit discussion. Whenever counties are made responsible for the action of mobs, those who pay the taxes will see that the law is enforced, and the bond of sympathy between the raider and the tax-payer will be forever broken.

I again recommend the passage of a law of this character.

And, in addition, in order that the Martin law may be enforced, it is recommended that authority be given, where life or property is threatened, to county judges in other counties than where such threats are made, on application, to appoint from such locality as they deem best, and send them in counties where the danger is apprehended. And where persons can not be found who are willing to make an application for guards, or when guards are not furnished on application, or appointed, refuse or fail to act, or when persons can not be found who will collect the toll. I recommended that the Chief Justice of the State be empowered to place troops at the gates, and the right to collect tolls and account to the proper authorities be retained on duty by him as long as he thinks necessary. It is unjust that counties which are at peace should be compelled to assist in paying for State troops so employed. In every instance where they have been, or may be so employed, the counties where they have acted should be compelled to bear the burden. This may be said to be a severe and costly remedy, but it is better by far than the prevalence of anarchy.

No one more deeply deplores the present condition of affairs than myself, and to no one is it more painful to make such a confession, but when human life is so cheap, when millions of dollars that would otherwise seek investment in Kentucky are being turned into other channels, when we are becoming a spectacle to the eyes of the people of other States and other countries, and only love for my native State, but official duty, demands plain speech and prompt and severe action.

#### ECONOMY AND RETRENCHMENT.

It is idle to talk of economy in the public service as long as extravagance is suffered to continue. It is better to curtail expenses than to increase taxes. Hitherto the attention of your predecessors has been called to this matter without success. I hope, however, that different action will be had by you.

Useless offices should be abolished. The Bureau of Agriculture has been fully tested, and if common experience and general

opinion are worth anything, has fallen far short of accomplishing any material good. Yet thousands of dollars are expended annually to carry out its purposes. This can be abolished only by constitutional amendment, which I recommend may be done.

Register of the Land Office entails an expense of thousands of dollars each year, without corresponding benefit. The framers of the last Constitution contemplated its repeal, as shown by the provisions of that instrument. It is doubtful whether there is any vacant land in the State, and the main business of the office is to issue patents for land already patented and encumber the dockets with litigation. It could be easily consolidated with the Auditor's office and its work fully discharged by one clerk, at an annual salary of \$1,200.

The present salaries are in nearly every instance twice as much as they were at the conclusion of the war, when the premium on gold was greater than ever before. There is no reason why such a condition of affairs should exist. Parsimony in salaries is not desirable, on the other hand, extravagance should not be tolerated.

Perhaps the most exhausting drain on the Treasury is "Criminal Expenditures." In this are comprised jury fees, witness fees, Sheriffs, Marshals, Jailers and Constables fees, costs of examining courts, etc.

These expenditures are constantly increasing and under the present system will continue to increase.

Much of the expense grows out of postponement of trials, continuances and hung juries. The latter frequently more than duplicate the fees of witnesses, Sheriffs, juries, etc. Not only so, in this way prosecutions are worn out and many guilty men are acquitted.

These disagreements, almost universally, grow out of indisposition to inflict the death penalty, or differences of opinion as to the extent of punishment. In the United States Courts and the courts of nearly every State in the Union, this difficulty is largely obviated by laws empowering the jury to pass alone on the ques-

tion of guilt and its degree, and conferring power on the court to fix the punishment.

Witness fees during the last fiscal year amounted to \$53,000. By proper legislation this branch of expenditure can be materially reduced. The witness who is forced to travel from remote portions of the county to the county seat is paid exactly the same fee as the witness who resides in the county seat. One dollar per day, if enough compensation to the former, is certainly too much for the latter. Witnesses living within five miles of the courthouse should not receive any pay; those residing within ten miles should be paid fifty cents per day; and those in the county, whose residences are more than ten miles distant from the courthouse should receive one dollar *per diem*.

In many cases warrants are issued charging grand larceny, when the offense is well known to be petit larceny. Under these circumstances Sheriffs are allowed twenty cents for summoning each witness, and two dollars for arresting the defendant, while the examining court is allowed two dollars for each day, or not exceeding four dollars for presiding in each case. Whenever the defendant is not held over for grand larceny none of these fees should be paid, and thus a material saving will result in Sheriffs, Constables and examining courts fees, as also commitments by Jailers pending trial. The fees of Sheriffs, Constables, Marshals, and Policemen amounted to \$44,800, and those of examining courts to \$14,424 for the last fiscal year.

As to examining courts, it is quite a common practice to hold a number of examinations on the same day and charge two dollars in each case.

The intention of the law was to allow a fee of \$2 per day for each day consumed, and it should be so amended as to allow \$2 for each day of eight hours or less, with a distinct prohibition against allowing any more than \$2, however many cases may be inquired into on that day, and where more than one case can be tried in one day, to require it to be done. It should be made the duty of the County Attorney, under penalty, to investigate and make report concerning this class of cases.

Jailers fees during the last fiscal year amounted to \$126,024. As already stated some of this amount was paid in cases where persons were arrested and committed for grand larceny, when guilty of petit larceny only. The cost of clothing, feeding, lodging, guarding and doctoring the convicts in the State penitentiary, including the salaries of all officials, is only 25 cents per capita each day. It may be true that, owing to the immense quantities purchased, prices are materially lower than in cases where only small purchases are made. But if all this can be done at so small a figure, certainly prisoners in jails could be kept at much less than fifty cents per day. It may be said that in many instances, owing to small amount of business, competent men could not be found who would act as Jailer. This can be easily remedied. The present Constitution, section 105, gives your honorable body the right, at any time, to consolidate the offices of Jailer and Sheriff in any county, as you may deem expedient, in which case the office of Sheriff shall be retained, and the Sheriff required to perform the duties of Jailer. This rule has been followed in many of the States and proven both convenient and economical. I recommend that advantage be taken of this section, all fees for commitment repealed and 30 cents per day allowed for board of the prisoners, except in cities where salaries are fixed.

The laws are too lax regulating the reports of county officers to the Circuit Judge and the allowances by Judges of claims against the Commonwealth. All county officers and all claimants should be required to file reports and claims in writing, properly verified, on the first day of each Circuit Court, the same to lie over for investigation until a day set apart by the court as "claim day," at which time they should be acted on. Claims accruing during the court might be filed on the last day of the court and passed upon that day.

During the two last fiscal years there was paid for pro tem, Judges of the Circuit Court the sum of \$18,851. Of this amount, in Judge Patton's district there was paid \$3,447, while in the Chancery Division of the Jefferson Circuit Court (Judge Edwards), there was paid \$3,392.

This is accounted for by the continued illness and incapacity of these Judges to serve. More stringent laws should be enacted to curtail this abuse, and in case of protracted inability to serve after a certain period, no salary should be paid to the regular incumbent. No officer has the right to become a charge on the Commonwealth.

The employment of guards in conveyance of convicts is another serious depletion of the Treasury. During the last fiscal year the expenditures amounted to \$9,927. Under the present law it has been held that guards are entitled in such cases to ten cents per mile going and returning. In my judgment the intention of the statute was to allow ten cents per mile one way, which is amply sufficient. An illustration will show the extravagance of present fees. A trip is made from Louisville to Frankfort and return in one day, distance both ways one hundred and ten miles. One guard is allowed for every two prisoners. Twenty prisoners, with ten guards, are brought to Frankfort, and each guard obtains from the State \$11. After paying his railroad fare of \$3.30 he has, as the result of his day's work, \$7.70. The amount paid the ten guards would be \$77 for one day's work. To pay ten cents a mile one way would pay each one of them over and above fare \$2.20 for the day. I recommend that fees shall be fixed in such cases at ten cents per mile one way. By properly confining prisoners, when the transportation is by rail, one guard should be able to bring from three to five prisoners, except in cases where rescue or assault is apprehended, in which event the Circuit or County Judge might increase the number.

Under the present laws, a large number of persons are yearly sent to the penitentiary, who should be fined and compelled to work out the same on the county roads. The minimum value of an article stolen must be \$20 in order to constitute grand larceny, while if an individual should obtain a ten cent beefsteak under false pretenses, or embezzle \$5 from an employer, or forge a paper for \$1, the crime is punished by confinement in the penitentiary for a period of one year or more. There is no difference in the degree of these crimes, and it is most earnestly recommended that



the minimum value of \$20 be made to apply to all cases of the character named. By compelling the criminals to work out their fines upon the county roads, the large expense of transporting them to and confining them in the penitentiary, and the erection of additional cell-houses at an early day, may be avoided. Besides, the punishments in many of the cases referred to are too severe and accomplish no good.

Should the foregoing recommendations be adopted the State will be saved many thousands of dollars annually, and the offenders compelled to work the county roads instead of being imprisoned in the penitentiary, at heavy expense in the way of transportation and costs attending arrest, trial and confinement. It is now apparent that additional cell-room will soon be necessary at both the penitentiaries. This expense would be saved the State should these recommendations be adopted.

#### PENITENTIARIES.

Shortly after the present administration came into power, the contract with the Frankfort Chair Company was forfeited by the directors of the penitentiary on account of the company's failure and refusal to pay its indebtedness to the State, and the inability, by reason of that fact, of the directors to continue operations. The large amount of floating debt then owing, and which could not be paid for the lack of funds in the Treasury, rendered it imperative in carrying on the work at the penitentiary, to collect from the company all money due. There was no other source from which the funds needful to pay operating expenses could be had. In this condition of affairs the company demanded that the directors should not appoint a superintendent whom they had selected. This demand was disregarded, whereupon the company purchased, at a discount, sufficient amount of warrants owing by the State to cover their indebtedness, and offered same to the Auditor in payment, refusing to pay a single dollar in money. By their own action they terminated the contract.

It then became necessary to advertise for bids for convict labor, which was done promptly, resulting in what is known as

the "Martin contract," for the employment of 650 men. Considerable complications have grown out of this contract, and, in order that the real merits of the transaction might be understood, I ordered State Inspector Lester to make a careful examination of the working of the same, and for that purpose authorized him to employ an expert accountant. His report will be placed before you, and will doubtless have your close study and attention.

The contract has not realized the money which it was thought it would at the time it was made, and there is now a controversy between the State and Mr. Martin, in which the former claims that the latter owes the additional sum of \$23,000.

Following closely upon the termination of the contract with the Frankfort Chair Company came the destruction of the workshops at Eddyville, by fire. This threw out of employment a large number of convicts, and the Mason & Foard Company declined to engage further in business at that penitentiary except to work up a small quantity of material on hand, but agreed to and did hire 400 convicts, at 35 cents each per day, to be employed in the manufacture of shoes and brooms, at the Frankfort penitentiary, provided that the portion of the shops destroyed by fire prior to December, 1895, should be rebuilt, and an additional building erected.

Under great difficulties the shops were constructed, and, in addition to this, an expenditure of nearly \$10,000 made in equipping the Frankfort penitentiary with machinery. That penitentiary is now better equipped with machinery and better prepared to make convict labor profitable than at any time in the past.

After the burning of the shop at Eddyville the Mason & Foard Company agreed to retain not more than 35 convicts, at 35 cents each per day, to complete the manufacturing of some spoke timber. For a short while this contract continued, work being done in an old shed that had escaped the fire.

In March, 1897, a temporary workshop, costing some \$900, was erected, and from 75 to 150 convicts were leased to Leonard

Taylor Company, for 35 cents each per day, to engage in the manufacture of clothing,

The last General Assembly having failed to make any appropriation, the directors were left with a large number of idle convicts on hand at Eddyville, and no shop in which to employ them. Nevertheless, the directors advertised for the labor of not less than 150 nor more than 300 convicts, when the Leonard Taylor Company made a bid of 35 cents per head for the convicts per day, to be used in the manufacturing of clothing. Being unable to work these men without shops, the directors persuaded the Leonard Taylor Company, on June 11, 1897, to agree that they would advance the money necessary to erect the shop, charging 6 per cent. interest on the same, and take in payment the labor of the convicts. After this contract was completed, the directors advertised for the erection of the workshop, and the contract was awarded to F. W. Katterjohn & Son at \$23,000, they agreeing to employ such convicts as were qualified, in constructing the building at \$1 per day each, in part payment. The building should have been completed by the 1st day of December, 1897, but owing to unavoidable delay, as claimed by the contractors, is not yet completed, they, however, forfeiting \$25 for each day of delay. In a short while it will be completed, and we will then have as many as 1,350 convicts at work, leaving unemployed only those who are unable to labor, and who may be necessary to attend to prison duties.

The sanitary condition of both penitentiaries has been materially improved, the prisoners humanely treated, well fed and clothed, and the grounds extensively beautified.

I suggest that an appropriation be made to pay for the workshop at Eddyville, and thus save the payment of interest by the State.

It should have been stated that in the making of all the contracts the directors reserved control of convicts, and that the State feeds and clothes them.

Your attention is called to the danger of fire in these institutions. The loss at the Frankfort penitentiary especially, in case

of such calamity, would be enormous. In the chair business it is necessary that large quantities of raw lumber should be constantly kept in stock, and also large quantities of lumber, more or less, in a manufactured condition. Insurance companies will take but limited risks on this property, and then only at enormous rates. A comparatively recent invention, known as the "Grinnell Sprinkler," has been tested with great profit and satisfaction by many of the large manufactories and business houses in this and other States. The contrivance is so arranged that when a given degree of heat is generated the plugs in the pipes arranged in the ceiling fall out and the water pours down upon and extinguishes the flames.

The universal verdict of those who have used it is, that serious damage by fire is rendered impossible, and insurance can be had at comparatively nominal rates. The cost of equipping the shops at Frankfort with this sprinkler would be about \$10,000. In the event it should be purchased, the Mason & Foard Company have agreed to pay the State near \$150 annually by reason of the protection afforded their property. I recommend that an appropriation be made to give this much-needed protection to the property of the State, and believe decreased rates of insurance will in a short while recompense the outlay.

The directors of the penitentiary at Frankfort are now paying for water the enormous sum of \$5,000 per year. The Water Company claims that it is charging no more than the usual rate, and that the charge is reasonable. On the other hand, it is believed by some of the directors that the charge is exorbitant, and permission has been obtained from the city council of Frankfort to lay mains and pipes so as to convey water to the penitentiary and other public buildings. The council, however, required bond from the directors that the city shall be held harmless against all claims for damages growing out of the exercise of the privilege granted. The directors can not officially give such a bond, and do not care, as individuals, to assume the liability.

I suggest that you investigate these matters through com-

mittees, and take such action as you believe the interests of the State demand.

### CHARITABLE INSTITUTIONS.

Our Charitable Institutions are in a most thriving condition. The total expenses of the asylums for six months of 1895, and corresponding months of 1896, are:

	1895.	1896.
Western Asylum.....	\$ 46,303 06	\$ 43,773 54
Central Asylum.....	82,306 01	77,785 52
Eastern Asylum.....	70,228 86	53,656 92
Totals.....	<u>\$198,837 93</u>	<u>\$175,220 98</u>

Showing a decrease of \$23,616.95, and an average decrease in per capita of \$11.35. The large saving at the Eastern Asylum is in part due to the reduction of salaries of employes, no reduction having been made at the others. Taking into consideration the fact that during the latter period a large amount of interest was paid in order to obtain money on warrants, there being no money in the Treasury, it is quite clear when the State is ready to make prompt payment, the per capita may be permanently and materially reduced.

In addition to the decrease in expenditures, it is proper to add, that at the Central Asylum an additional \$10,000 saved from time to time, has been invested in an ice plant which will furnish all the ice for the institution, and by the sale of ice to the adjoining town of Anchorage, pay the running expenses.

The Blind Asylum, through its excellent management, has saved \$17,000, which is now being used in the construction of additional buildings and remodeling the old one.

The Deaf and Dumb Institute has labored under great difficulties for the want of necessary room, but the management has been first-class in every way. I recommend an appropriation for its enlargement. This institution has accomplished great good in

graduating many accomplished men and women, whose condition of life otherwise would have been pitiable.

The Feeble-minded Institute has been conducted well, but has met with serious misfortune. The main building was destroyed by fire, and the children removed into the temporary structure erected some years ago when the main building was destroyed. Shortly after the removal, the temporary structure was burned and the children removed to the Walcutt residence, which was rented for the purpose. The Commissioners, however, with commendable prudence, had insured the buildings, from which insurance they collected a sufficient amount to construct a new edifice, which is now complete, fully equal, if not superior, to that destroyed. Aside from these untoward events the Institution has been maintained at greatly reduced expense.

The Charitable Institutions of the State are well officered and are moving along harmoniously and successfully, save some immaterial differences in that last named, and will compare favorably with their management in any period of the past. The health of the patients has been unusually good, except at the Eastern Asylum, where an epidemic of typhoid fever has prevailed, caused in the main by defective sewerage. It is recommended that an appropriation be made to remedy the difficulty. Again, your attention is called to the condition of sewerage at the Central Asylum. For quite a long while, owing to its defective condition, numerous law suits have been instituted against the State, and constant and energetic complaint made by citizens contiguous to the premises. An appropriation should be made to remove complaint and prevent injustice to the injured citizens. The reports of the various Superintendents are before you, and to their critical inspection your attention is most earnestly called.

#### HOUSES OF REFORM.

I again urge upon your honorable body such legislation as will carry into effect the present statute concerning Houses of Reform. The Auditor is of opinion that, as the appropriation of \$100,000

is to be paid "out of any funds in the State Treasury not otherwise appropriated," the general expenses and specific appropriations must first be paid, and as these, owing to the accumulation of a large floating debt brought over from the last administration, will consume all the revenue collected, that he has no authority now to issue a warrant to construct the Houses of Reform. It is recommended that you so amend the statute as to provide specifically for the issual of a warrant, in order that this great work may be speedily completed. I have freely exercised the pardoning power in behalf of children confined in the penitentiary, but in some instances have been compelled to deny it, because of assurances from good citizens that the children were so vicious it would be unsafe to turn them loose on the community. So it is, these unfortunates, who might be reclaimed by proper training, are growing older in crime every day, and the evil is without remedy. A House of Reform should be completed at the earliest moment. The bill passed providing for them is well considered and ably drawn, but experience has proven the necessity for some slight amendments.

Considering the present financial condition of the State, it is suggested that only one of these institutions be erected for the present, in which, by proper management, the inmates may be kept separate from each other; the other to be erected as soon as necessity requires it.

Much confusion has grown out of the number of Commissioners provided for. The six are frequently evenly divided, and on this account their efficiency destroyed. The right to appoint another Commissioner would remedy this trouble.

#### BOARD OF CHARITIES AND CORRECTIONS.

The charitable and penal institutions of the Commonwealth should be placed on a thoroughly nonpartisan basis, and officers appointed on account of their especial fitness and experience. Such a system prevails in many States of the Union and in every instance has proven most beneficial. Charities should not be

used to promote political ends. Such a practice most frequently results in "stealing the livery of heaven to serve the devil in."

No particular party is responsible for the prevalence of the rule in Kentucky, but each and all are to blame for it. By reason of this system, at the end of every four years, the successful candidates, desirous to reward their friends, turn out of office those who have acquired experience and substitute others to whom the duties are entirely novel. In this way, the State is loser during the time that the new officials are acquainting themselves with their duties. If any of the great mercantile concerns of the country were told that every four years they should select a new set of officers and clerks, not one would agree to continue in business, and if such an experiment should be tried, it would end in bankruptcy.

For years there has been complaint in this State concerning the management of charitable and penal institutions. How could it be expected that these great interests should thrive as they deserve when inexperienced men are frequently in control. If a change is to be effected, some one must inaugurate the movement, and with the interest of the State far above party ties, I earnestly call your attention to this great wrong, and recommend its discontinuance. It is suggested that legislation should be adopted providing for the appointment of three Commissioners on the Board of Charities and Corrections. They should be selected purely on account of superior qualification and experience, and the board made as nearly nonpartisan as possible. If necessary, the appointments should be made from any State in the Union. The Commissioners should look after the selection of officials to operate the various institutions, and recommend them to the Governor for appointment, having in view qualification and experience alone, and in addition should carefully look after the business and financial interests of each of the institutions. They and the persons recommended by them should be appointed by the Governor subject to confirmation by the Senate; and in order to procure suitable commissioners, provisions should be made for reasonable and proper salaries, and they (commission-



ers and officers of the asylums and penitentiaries), when confirmed should be retained in office during competency and good behavior.

The law should be made to take effect 1st of January, 1899, because it would be an injustice to those now in office, who gave up their business in order to take position which they supposed they would hold until the end of the term, and who are doing good work for the State, to be turned out. When the law becomes operative, selections might be most properly made from the many persons who have held these offices in the past and proven themselves to be especially adapted to the work. Of course if there are any incompetents now in office they should be removed.

It was a serious mistake in the beginning to place the management of prisons in the hands of the Sinking Fund Commissioners as directors of the penitentiary. In nearly every instance the State officers, who constitute this Commission, have all they can do to attend properly to the duties of their several offices. In not one case out of a hundred, have they any experience regarding the operation of prisons. The duties of the Governor, Attorney-General, Auditor and Treasurer are onerous, and their proper discharge demands their whole time and attention. The consequence is that, in attempting to discharge the duties of the two positions, they will necessarily neglect the duties of one of them. Besides, they have so many friends to reward, in the exuberance of their gratitude, infirmities of applicants are overlooked at the expense of the State.

#### PUBLIC BUILDINGS.

While I believe in practicing the strictest economy, I am sure there is no economy in failing to provide necessary public buildings.

Kentucky probably has the most indifferent Capitol of any State in the Union, save some of them that have been recently admitted. The dignity and position of the State demands energetic and efficient action in this behalf. The ceiling of the present

Appellate Court room has in the last few years been propped with iron pillows in order to prevent its fall, and only a few days have elapsed since a considerable portion of the ceiling in the Hall of Representatives fell.

Not only are our public buildings dangerous, but there is not sufficient room in which to transact with rapidity or comfort the business of the State. There is an absence of committee rooms, offices for the Judges of the Court of Appeals and other State officers. The executive office, after the placing of necessary furniture, will not allow the admission of a legislative committee, and the Treasurer's office is even worse. The records of the Court of Appeals, which have been twice destroyed, are kept in an office which is liable to be burned at any time, the Library is scattered all over the three buildings and some of it stored in the cellars—in short there are substantially no accommodations.

As to the Executive Mansion, for years its lower floors have been propped to prevent them from falling, and it required more than seven thousand feet of weather strips to make it comfortable in the winter of 1895-6. The present site is disagreeable, the view from one side overlooking the gloomy walls of the penitentiary, and from another the smoke stack of a large flouring mill near by.

In my first message, the attention of the General Assembly was directed to this subject, and as under the Constitution the State had the right to employ convict labor on its public works, and as there was then a large number of idle convicts, it was suggested that they should be utilized in the construction of a Capitol. No action, however, was taken.

There is no economy in constantly improving worthless buildings. The Executive lot can be sold for half enough to buy an eligible and comfortable structure.

I urge upon your honorable body to take the necessary steps immediately looking to the erection of new and suitable State buildings.

If, however, you do not think this advisable, there should at any rate be a fire proof library building and clerk's office erected in order that the public records and books may be preserved.

## EDUCATION.

While education can not of itself invest the citizen with honesty and patriotism unless his innate consciousness is right, yet it enables him to see more plainly and discharge more wisely every public duty, and gives him a more comprehensive grasp of all the great principles that underlie our structure of government. The common school system is the nursery of liberty, and everything should be done that is calculated to improve and enlarge it. Much progress has been made in this direction, but there is room for greater advancement.

The State tax is as liberal as the present financial condition will allow. Local taxation, however, has proven by no means sufficient and our system in that respect is far behind that of many States of the Union. I repeat the language of my first message, that "this comparative failure of local taxation is doubtless, in part, due to the small and isolated districts in many sections of the State. This trouble might be materially lessened by levying local taxation on counties and dividing the amount thus secured per capita among the various districts; or much good might be accomplished by making magisterial districts units for taxation, with divisions per capita among school districts therein contained. In either case, there should be one competent member of the County Board of Education in the district, who, with the other members of the County Board of Education and County Superintendent, as chairman, might act. Members of this County Board should possess certain specified qualifications and have general supervision of educational affairs in their respective districts; the entire board, however, to have control of affairs in the county, and to meet at stated times and adopt rules for the educational affairs of the county, as well as the employment of teachers for the several districts. The compensation of these members should be nominal, by releasing them from per capita tax, road service, etc. Owing to the contentions that have grown out of elections, in many instances, of incompetent trustees, the employment of teachers, etc., this change would doubtless prove very beneficial. The present trus-

tee system should be abolished. In each subdistrict as now organized there should be one trustee charged with minor affairs. He might nominate teachers for the subdistrict in which he lives, subject to the approval of the County Board, and these trustees might be chosen by election.

"Something should be done also to secure better attendance. Doubtless improved schoolhouses and accommodations, and more local aid, would, to some extent, assist in this matter. By all means there should be established and maintained a minimum school term of not less than seven months in every district in the State.

"It is claimed that Kentucky pays twice as much for school books as States north of us. If this be true, such laws should be enacted as will remedy it. If uniformity in text-books should be required, the prices would be necessarily reduced."

And, among other matters, your attention is called to better school facilities for the negroes. The old common school law which levied a tax upon blacks and whites to be used separately for each race was held unconstitutional, and after a vote by the people, the fund was divided equally per capita.

We now have an excellent system of graded schools for the whites, but very poor for the negroes. The same objectionable feature of the old common school law has found lodgment in the graded school system, and only that portion of the proceeds for such schools goes to the colored people which arises from their taxes. Owing to their comparative poverty this sum amounts generally to a pittance. I believe this law will be declared unconstitutional when the test is made, and recommend that legislation be now had to avoid any such difficulty. It is worse than idle to say that the negroes should erect their own graded schools. Having lived in slavery for so many years, and given their labor without recompense to the white man, it comes with a poor grace to reproach them with their poverty. As well might it be said that the common school system should be dissolved because of the poverty of so many whites.

The negro as a citizen, by proper attention, can be made use-

ful, or by neglect rendered vicious and dangerous. Armed as he is with the ballot, his voice is as potent as the white man's in all governmental affairs. Every instinct of self-preservation, every instinct of humanity, requires that he should be given the fullest opportunity to improve, both mentally and morally, and the failure to grant these opportunities endangers our institutions.

The present Normal School, near Frankfort, has borne good fruit. The accomplished President has laid his report before you, to which especial attention is called. His contention concerning the division of the A. & M. College fund is of importance and worthy of the closest investigation. This school is annually graduating worthy men and women who are a credit to their race, and is an engine of great good.

As the colored people are generally poor and unable to pay large costs of transportation, it is suggested that another Normal School should be established in Western Kentucky. I am informed that the people of that section are willing to contribute generously, and I recommend that you investigate the matter and take the necessary steps in the premises.

In what I have said I do not wish to be misunderstood. The Constitution prohibits mixed schools, and I believe that to be a wise provision. Considering the past slave-holding practice in Kentucky, the feeling that has grown out of the same, and the difference in position between the two races, nothing would be more harmful to the common school interest than to mix them in the schools. It would lead to constant quarrels and contentions, universal favoritism to the whites and the most serious injury to the blacks. The schools should continue separate, but equal privileges should be given the unfortunate people, who stand in such great need of educational facilities.

#### ELECTIONS.

The ballot is the bulwark of freedom, and upon its fair and untrammelled use depends the perpetuity of our institutions. The corruption of the elective franchise and the defeat of the will of the majority should not be tolerated for a moment. Appreciat-

ing the full force of this sentiment the makers of our present Constitution, defining who should vote, provided that "the first General Assembly held after the adoption of this Constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required."

In conformity to the foregoing section, and in order that every man may be able to cast his vote, I again recommend that a circle or square should be placed below each party device, in which the voter may make his mark. Many mistakes are made under the present regulation, as many in one political party as in the other, and in this way persons deprived of their votes. Every facility should be afforded the humblest man in the Commonwealth to intelligently cast his vote and have it counted. Mutations in politics in the end bring retribution to any party that denies or abridges the rights of citizenship.

Where registration is necessary, especially in large cities, it is charged that regularly registered voters, in some instances, are falsely impersonated, and on this account, persons who are not entitled vote, and in this way prevent legal voters from exercising their privileges. As to whether this charge be true I do not know, but the fact that such a thing might be done is sufficient to call for the enactment of such laws as will in some measure identify the lawful voter.

The intention of the ballot system is to enable every citizen to cast his vote in such a way as to secure perfect secrecy. In view of this intention it appears improper that in registering voters the officer should have the right to ask and record party affiliation. It is claimed that this is done upon the theory that in primary elections parties may be enabled to control their organization. In places where no registration is allowed no difficulty is experienced in this matter, and none, I presume, would be experienced elsewhere.

Primary elections should be prohibited from being held at the same time or place regular elections are held. They consume time and create confusion and undue excitement. The selection of can-

didates should not be allowed in any way to conflict with or affect the election of officers.

There is a diversity of opinion as to whether canvassing or examining boards have the right to pass on rejected ballots. This should be made plain, and the right of every citizen guaranteed to have his vote counted as cast, whether there is or is not a contest. The law should be made so explicit that no citizen shall lose his vote on account of the technical failure of any officer to discharge a plainly ministerial duty when the officers of the election are satisfied that the ballot was in fact deposited.

Article 13, chapter 41, of Kentucky Statutes, provides penalties against certain frauds in elections, many of which are dead letters because section 1594 prohibits conviction upon the testimony of a single witness, unless sustained by strong corroborating circumstances. Surely such a safeguard as this is unnecessary, in view of the fact that the defendant is a competent witness.

The practice of corraling voters and, with money and whisky, persuading them to remain away from the polls is quite common.

The law should prevent this, and should in all such cases authorize the issuance of a writ of habeas corpus on the petition of any person, and on the trial thereof, then and there to be had, require the release of the person detained. In addition laws should be enacted with severe penalties against the person or persons having a voter in unlawful custody.

According to the present law, when any party has failed to nominate a candidate by convention or primary election, upon a petition, signed by the requisite statutory number, any individual, however objectionable, may have his name placed under a party device. Frequently this may prove distasteful to the party, and should not be allowed.

Section 1458, Kentucky Statutes, prohibits the Secretary of State from certifying and the County Clerk from placing the name of a candidate, properly certified to have been nominated, on the ballot whenever notified by such candidate that he will not accept the nomination. Section 1464, Kentucky Statutes.

provides that in case of death, removal or resignation, after printing of the ballot, that certain steps may be taken to meet the contingency. I suggest that in either state of case referred in the last-named section, or in the case mentioned in section 1458, it be made the duty of the Secretary of State or Clerk to once give notice to the Chairman or Secretary of the State Central Committee, District or County Committee, and that paste may be provided and used in such cases and proper steps taken by the party organization such as will enable such party to supply the place as provided in section 1464.

Section 1557, Kentucky Statutes, prescribes a fine of \$50 and imprisonment in the county jail against any officer, upon whom duty is imposed in chapter 41, who shall willfully neglect to perform his public duty, or who shall willfully perform it in such a way as to hinder the object of the law. A glance at the many important duties which this section governs will demonstrate that the punishment is entirely inadequate as to officers of registration and officers of regular and primary elections. Particularly is this true as to the duties assigned to the Secretary of State in certifying nominees; the Clerk in the proper preparation and distribution of stencils and ballots; the Sheriff in delivering ballot boxes; the County Judge in the appointment of officers of election and giving the notice of same; the admission of unauthorized persons into the booth or within less than fifty feet of the polls; the counting of votes and the preservation of contested ballots. In this connection I fail to see that any punishment is inflicted upon an officer of the election for willfully and knowingly refusing to receive a legal vote. It is recommended that the law be carefully revised so as to severely punish all violators thereof, and make it sufficiently comprehensive to provide safety and security for the voter and certainty that his vote will be honestly counted.

Section 1448, Kentucky Statutes, limits the appointment of officers of election to housekeepers. Many competent persons are excluded by this section, and it should be altered.



## SEPARATE COACH LAW.

Proud of the glorious achievements of the white race, believing that it is the superior of every other, that by reason of its advantages in liberty, education and advanced civilization, it can ill afford to place additional burdens upon others that are struggling for improved manhood, and not fearing for a moment that any race will become its equal, I most earnestly recommend the repeal of what is known as the "Separate Coach Law." From 1865 to 1892, a period of twenty-seven years, notwithstanding the prejudices and heart burnings that grew out of the civil war, it never occurred to the General Assembly that such a measure should be passed. The inspiration grew out of the fact that a drunken negro fired from a passing train in Frankfort, wounding an estimable young woman.

While this was most reprehensible, it furnished no excuse, much less justification, for the passage of a law aimed at a whole race of people, generally most kindly disposed. The record of that race during the civil war is one that is not only remarkable, but of which they have the right to feel justly proud. Left in charge of the wives and children of Confederate soldiers, who were fighting to perpetuate their bondage, when their liberty was trembling in the balance, not one instance is recorded in which they were faithless, or in which criminal assault was made, or the torch applied to the house of their masters. Those of us who owned, or whose parents owned slaves, can well attest their fidelity and the mystic tie of affection existing between them and their masters. And now, after we and those who preceded us have lived for years, in whole or part, upon their unrequited toil after the expiration of more than one third of a century since the priceless boon of freedom was conferred upon them, reason and humanity alike demand that we should extend to them and their descendants the helping hand, that they may be elevated in the realm of citizenship, rather than taunt them with their former state and burn more deeply, if possible, upon their foreheads the humiliating brand of slavery. There are many persons of our own race with whom we do not desire to be associated in travel,

yet by the provisions of that bill they are forced upon us, while we would much prefer the company of intelligent and respectable negroes. Every citizen should be judged according to his conduct, decency and good citizenship, rather than his color, and the slave who, side by side with his master, drove the carriage played upon the green with his children in old slave days can not disgrace him, now that he is free, by riding in the same coach provided that his conduct and character are good.

If it is proper that this bill remain on the statute, why not prevent negroes from riding in the street cars with the whites in our cities? Is the negro in the city entitled to privileges that his brother in the country or smaller towns is not entitled to? Is the white man or woman in the country or smaller towns better and entitled to more protection than the whites in the cities? In the street cars the races are much more closely associated than on the railroad cars, and yet no complaint is made in that direction.

It has been held by the highest court in the land that this law is inoperative so far as the interstate passenger is concerned, and the negroes from every other State in the Union may pass through Kentucky in any car they prefer, while our own negroes who, in many instances, are bound to us by ties of affection must be huddled into a car by themselves.

The old common law has come down to us through hoary centuries. It is the concentration of the wisdom and conservatism of many generations. In its benign provisions, no rule is incorporated that is in keeping with this objectionable statute. It has remained for the civilization of the nineteenth century to discover that which has escaped all others, and to enact a law thoroughly at war with precedent and in contempt of every privilege of citizenship.

For many years we had in this State what was called the "ladies' car," and conductors experienced no difficulty in excluding from it all objectionable persons, whether white or black. If that law was so easily enforced, it appears that a statute clothing every conductor with police power, giving them discretionary

power in the seating and supervision of passengers, would accomplish justice for all. Such a law would enable them to place all the rough, indecent, drunken or violent passengers, whether white or black, in a separate car, thus preventing them from associating with the ladies and gentlemen who occupy another. If you should differ with me in this matter, I trust that you may, at any rate, amend the present law so as to afford the negro a separate car. As the law now stands he is only furnished a compartment of a car, and forced to pay the same rate as his more fortunate white fellow-citizen. He should not be compelled to pay the same fare unless he is furnished with the same conveniences. The operation of the present system is well known to you.

A car is divided in two parts by a partition. In one portion are the negroes, in the other the whites. Frequently the whites are of the worst class of their race, and their oaths and coarse conversation are forced upon well behaved and respectable negro men and women, while every time the door is opened there is poured in upon them the fumes of mean whiskey and tobacco.

In what I have said on this subject I am not inspired by any partisan motive. This is not a political question, it is a question of humanity and decency.

#### PUBLIC MORALS.

The use of intoxicating liquors and the carrying of concealed weapons are the fruitful source of nearly every murder that is committed. Local option and prohibition laws are being evaded and rendered inoperative by reason of the "jug trade." Attempts have been made to punish those who deliver whisky in the counties where such laws are in force, but the Court of Appeals has decided that the place of delivery is that where the jugs are handed to the expressman or common carrier, and in this way an avenue of escape has been afforded, and the platforms of depots in anti-whisky localities are daily covered with jugs. In order to remedy the evil, it is suggested that a law be enacted fixing the legal delivery of intoxicating liquors at the place of destination instead of the place of shipment (except as to original packages

from points outside of Kentucky), and providing proper punishment for any person, natural or artificial, who delivers the article at the place of destination.

Again attention is called to the sale of cigarettes and cigarette papers. Their use is universally condemned by the medical profession and every day experience. They invariably impair, and in many instances, especially among the youth of the land, destroy both body and mind. They beget a taste for even more deadly opiates and intoxicating drinks. I recommend that their sale be prohibited.

#### ATTORNEYS AT LAW.

Among the professions there is doubtless none that has given to the country more eminent men than that of the law. There is no class more necessary to the protection of life, liberty and property, yet while the law has protected the people from quack doctors, quack druggists, etc., etc., there is but little protection afforded them against shysters and pretenders who have invaded the ranks of this profession and brought it into disrepute. The trouble grows out of indiscriminately conferring licenses. Sympathy for the young man, apparently struggling to better his condition, and liberality, which is not found in other professions, has enabled many undeserving, incompetent and disreputable persons to impose themselves on the public. The press is constantly calling attention to this condition, and I urge upon you the establishment of a higher standard and its strict enforcement.

There are many lawyers in Kentucky of advanced age whose improper and disgraceful practices at the bar are a reproach to the exalted profession of which they are unworthy members. I recommend the adoption of such legislation as will provide punishment for this class of advanced and accomplished shysters, and, if possible, eliminate them from the profession.

#### COURT OF APPEALS.

Year by year the docket of this court is enlarged. One cause for it is, that appeals are allowed where the amount in contro-

versy, exclusive of interest and cost, is \$100. There is no reason why this rule should be continued. The object of the judicial system is to afford fair and speedy trials. In order to do this, the minimum jurisdiction of all the courts is fixed by statute. To say that an individual who has \$100 at stake is entitled to trial in the highest court of the State, as much as the individual who has \$100,000 involved, is a senseless platitude. As well might it be said that the poor man who has one dollar involved is entitled to the same right.

It is not a question of right. There must be some reasonable limit placed on the amount in controversy in order to prevent the clogging of the dockets in the various courts, for one court can not determine all the cases that are instituted. Justice and the prompt dispatch of business require that the jurisdiction of the courts should be regulated so as to give the necessary time for thoughtful action.

I recommend that the present law regulating appeals to the Court of Appeals be amended by striking out the words "one hundred," and substituting the words "three hundred."

#### BOARD OF HEALTH.

The report of this branch of the service is before you. There is no State in the Union that expends so small a sum in this behalf as the State of Kentucky, and yet I believe that there is none that has more efficient service. The operations of the Board in preventing the spread of yellow fever and the prevention of shipment of diseased cattle into this State is worthy of especial commendation. By their persistent and intelligent action the advertising quack has been driven from the State, on account of which the people have reason to congratulate themselves.

#### THE STATE GUARD.

This branch of the service has been most admirably conducted, as the report of the Adjutant General will show. The State guard has at no time been better equipped and officered, and yet

our appropriation of \$7,000 yearly is a mere pittance compared to that made by other States. We have not sufficient funds to hold a brigade encampment, as the number of tents and other equipage on hand is wholly inadequate. This organization for years has been most effective in quelling disturbances and enforcing law. It is recommended, that a tax of one-half cent be levied for the purpose of its better equipment. During the year 1896 no camp of instruction was held because of insufficient funds. This year it was held [and at a cost of only \$8,600. The preceding camp cost the State nearly \$14,000.

#### CHICKAMAUGA AND CHATTANOOGA NATIONAL PARKS.

An act was passed at the January session, 1896, appropriating \$10,000 for the purpose of erecting monuments at Chickamauga and Chattanooga Parks, commemorating the valor of the Union and Confederate soldiers from Kentucky, who in that memorable conflict reflected so much credit on our beloved Commonwealth.

Col. R. M. Kelly, Col. Thomas H. Hays, Col. Jno. H. Whallen and Capt. Jno. W. Tuttle have been appointed Commissioners to carry into effect the provisions of the act. The law contemplates the erection of six monuments, three each to the Confederate and Union forces. Owing to the small appropriation it is thought that, if divided into six parts, the monuments erected will attract little, if any, attention. In view of this, I recommend that the act be amended so as to provide for the erection of one monument, and modest markers to indicate positions occupied by Kentucky soldiers during the conflict. This monument would emphasize the fact that though divided in life on the great questions involved in the struggle, they are united in death, and that their countrymen are united now in devotion to the Union and the Constitution.

To my mind there is no more beautiful or patriotic thought connected with that heroic struggle than the mingling of the Blue and Gray, and the cordial friendship and genuine admiration each

entertains for the other. The idea of bringing the survivors together was born of perfect patriotism, and could not have been effected in any other country in the world. It is without precedent, and will most probably remain without imitation.

As we are united in life, and they united in death, let one monument perpetuate their deeds, and one people, forgetful of all asperities, forever hold in grateful remembrance all the glories of that terrible conflict which made all men free and retained every star on the Nation's flag.

### THE BATTLESHIP "KENTUCKY."

Heretofore, the thanks of the State have been tendered to the proper authorities for the exalted compliment of giving the name of our State to one of the most magnificent battleships that the inventive genius of this great country has ever conceived.

The honorable Secretary of the Navy has given notice that it will be launched during the latter part of January next. I trust that your honorable body will take such action, concerning this matter, as your patriotism and State pride may suggest, and that the occasion may be made memorable and an inspiration to the rising and future generations of our Commonwealth.

### CONCLUSION.

This is doubtless the last general message I will communicate to you. During my term I have made faithful and diligent effort to maintain law and order, enforce economy in public expenses, advance the cause of education; purify elections, and promote the welfare of the whole people. I have exercised the pardoning power with the greatest caution—pardoning and remitting less than 20 per cent. of applications, while my immediate predecessor granted relief in 53 per cent., and his predecessor in 45 per cent. of applications, covering the same period. I do not intend to impugn the motives or question the actions of either of these distinguished gentlemen. I only refer to the facts for the purpose of comparison, because a partisan press has

seen fit to bitterly condemn me. I may have committed mistakes. This is human. But I trust that a fair-minded people will remember that "to err is human, to forgive divine."

In conclusion, allow me to indulge the hope that during your session we may heartily co-operate for the purpose of advancing the material interests of the State and that more substantial good may be accomplished by you than any of your predecessors.

Respectfully,

WILLIAM O. BRADLEY,

*Governor of Kentucky.*

Said message was read in full.

Mr. Charlton moved the adoption of the following resolution, viz:

Resolved, That the Librarian be and is hereby directed to furnish each member of this House, one hundred copies of the Governor's Message to the General Assembly of Kentucky of 1898, in pamphlet form, single wrappers, for mailing in postpaid wrappers. Also have printed on the wrapper of each copy the name of each member according to his quota of copies.

Said resolution was adopted.

Mr. Desha moved the adoption of the following resolution, viz:

Resolved, That the State Librarian be requested to provide the Enrolling Clerk with office room as has heretofore been done.

Said resolution was adopted.

Mr. Charlton moved that the House adjourn until to-morrow morning at 11 o'clock.

Said motion was adopted.

And then the House adjourned.



THURSDAY, JANUARY 6, 1898.

The House was opened with prayer, by Elder George Dassie, of the Christian Church.

Mr. Speaker Beckham in the chair.

The journal of yesterday was read and approved.

Mr. Nelson moved the following resolution, viz:

Be it resolved by the House of Representatives: That the State Librarian be directed to furnish the Chairmen of the Committees of this House a copy of the Kentucky Statutes, the Code of Practice and such other books as may be necessary, taking a receipt therefor, for the return of same before or at the close of this session.

Said resolution was adopted.

Mr. Hobbs, from the Committee on Rules, reported as follows:

The Committee on rules respectfully report to the House the accompanying rules for its government during the present session:

#### QUORUM OF THE HOUSE.

RULE 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members, and of making an order for their censure and fine; a majority of the members may proceed to business; and the numbers mentioned in this rule shall have power in the absence of the Speaker, to elect a Speaker *pro tem.* for the purposes above designated.

#### HOUR OF MEETING AND ADJOURNMENT.

RULE 2. The standing hour of meeting each day shall be ten (10) o'clock A. M., standard time, and the standing hour of adjournment shall be 1:30 P. M., standard time, except on Mondays, when the hour of meeting shall be 11 A. M., and the hour of adjournment 2 P. M.: *Provided, however,* That a majority of the House may extend the sitting of any session to any time within their discretion.

## THE POWERS AND DUTY OF THE SPEAKER.

RULE 3. The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and a quorum being present, shall cause the Journal of the preceding day to be read.

RULE 4. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from the chair for that purpose. He shall decide questions of order, subject to an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

Rule 5. The standing committees of the House, hereinafter named, shall be appointed by the Speaker.

Rule 6. The Speaker may state a question sitting, but shall rise to put a question.

Rule 7. Questions shall be distinctly put in this form, viz: "Gentlemen, you who are of opinion that (as the question may be), say 'Aye;' you of the contrary opinion, say 'No.'"

Rule 8. If the Speaker be in doubt as to the result of a vote, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still be in doubt, or a count be requested, the speaker shall name two members, one from each side, to count those in the affirmative and the negative; which, being reported, he shall rise and state the decision of the House; *Provided, however,* That such division or count shall not be allowed after the House shall have proceeded to other business.

Rule 9. The Speaker shall have the right to name any member to perform the duties of the Chair, but such Speaker *pro tem.* shall not be empowered to act beyond a period of five (5) days.

Rule 10. It shall be the duty of the Speaker to direct the Door-keeper and Sergeant-at-Arms to exclude all persons from the bar of the House, except the Governor, members of the Senate, officials of the several departments, persons included in Rule 11. members of the Federal Congress, members of the last preceding

General Assembly of this State, and members of the late Constitutional Convention.

Rule 11. The Speaker shall name the persons who shall act as reporters for the public press; but no reporter shall be admitted to the floor who is not an authorized representative of a newspaper. The reporters so named shall be entitled to such seats as the Speaker may designate.

#### DEBATE.

Rule 12. When a member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker.

Rule 13. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call the offender to order; and the member called to order shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the House.

Rule 14. When two or more members rise at once, the Speaker shall name the member who is first to speak.

Rule 15. No member shall speak more than twice on the same question without leave of the House, and he shall not speak more than once until every member of the House choosing to speak has spoken. No member shall be allowed to speak longer than one hour in the aggregate.

Rule 16. While the Speaker is putting any question or addressing the House, no one shall walk about the House or leave; neither in such a case, nor when a member is speaking, shall any one talk or pass between the Chair and the member who is speaking.

Rule 17. No member shall, in debate, name another member.

#### UNDEBATABLE MOTIONS.

Rule 18. Motions to proceed or dispense with the orders of the day, to dispense with any rule of the House, to take up business

out of its regular order, to commit or recommit, except with instructions, shall be propounded without debate.

Rule 19. No explanation of any vote shall be permitted pending the call of the yeas and nays on an undebatable motion.

#### WITHDRAWAL OF MOTIONS.

Rule 20. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House, at any time before a decision or amendment.

#### MOTIONS.

Rule 21. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, shall be handed to the Chair, and read aloud by the Clerk before debated.

Rule 22. Every motion shall be reduced to writing, if the Speaker or any member desire it.

#### ORDER OF MOTIONS IN DEBATE.

Rule 23. When a question is under debate no motion shall be received, but—

1. To fix the time to which the House shall adjourn.
2. To adjourn.
3. To lie on the table.
4. For the previous question.
5. To postpone to a day certain.
6. To commit.
7. To amend.
8. To postpone indefinitely,

which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

## MOTION TO ADJOURN.

Rule 24. A motion to adjourn shall always be in order, and shall be decided without debate.

## PREVIOUS QUESTION.

Rule 25. The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put. The effect of the previous question shall be to put an end to all debate (except the right of the proposer of the measure under consideration to close the debate, and he shall be limited to (30) minutes, unless his time be extended by consent of the House), and bring the House to a direct vote on amendments proposed by a committee, if any; then on pending amendments, and all amendments which have been read for the information of the House by the Clerk, shall be regarded as pending amendments, and then upon the main question.

## DIVISION OF QUESTIONS.

Rule 26. Any member may call for a division of the question when the sense will admit of it.

## COMMITMENT OF MOTIONS.

Rule 27. Motions and reports may be committed at the pleasure of the House. (See Rule 18, *ante*.)

## AMENDMENTS.

Rule 28. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

## ELECTIONS.

Rule 29. In all cases of elections there shall be a previous nomination before the House.

## PETITIONS, MEMORIALS, ETC.

Rule 30. Petitions, memorials, and other papers addressed to the House, may be presented by any member in his place; and in such case he shall briefly state the contents of said petitions, memorials, and other papers, and they may be received, read and referred on the same day, by agreement of the House.

## CALL OF YEAS AND NAYS.

Rule 31. Upon a call of the yeas and nays on any question, the names of members shall be called alphabetically; which call may be made at any time when a division or a count may be had, and upon the completion of any roll-call, the Speaker shall upon the request of any member, order the Clerk to call the absentees once.

## CALL OF THE HOUSE.

Rule 32. On a call of the House, the door shall not be shut against a member until his name is called twice, and then absentees shall be noted by the Clerk, and fined one dollar, unless excused by the House.

## VOTING.

Rule 33. No member shall vote on any question in the result of which he is mediately or immediately interested, or in any case where he was not within the bar of the House before the result was announced.

Rule 34. Every member in the House when a question is put, or present before the result is announced, shall vote, unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without a debate, and in no event shall any member be excused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called upon the roll,

except on his own request, and then only at the end of the roll-call, and before the result is announced, but in all cases of a tie vote, the Speaker shall vote.

#### ORDER OF BUSINESS.

Rule 35. The order of business each day shall be as follows:

1st. The reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein.

2d. Petitions.

3d. Motions and resolutions.

4th. Reports of special and standing committees in the order as given in Rule 42.

5th. On Tuesdays and Fridays of each week, after the first order above named in this rule, there shall be a call of the counties for the introduction of bills according to Rule 36, which shall be privileged and take precedence of all other business of the House: *Provided*, That the orders of the day be called for precisely at 12 o'clock on each day: *And provided, further*, That upon the call of counties on the days provided for the presentation of bills, in the event every county shall not have been called the Clerk shall, on the next day, commence the call where he left off at the last call.

6th. Any business which did not belong to the orders of the day, and which remains unfinished upon the adjournment of the House, or upon the calling of the standing orders of the day, shall be the first business in order each day upon the convening of the House, and any business which belongs to the standing orders of the day which remains unfinished upon the adjournment of the House, shall be the first business when the orders of the day are resumed: *Provided, however*, That the unfinished business shall yield to the business designated in division 5th of this rule.

#### INTRODUCTION OF BILLS.

RULE 36. Bills shall be introduced on every Tuesday and Friday on an alphabetical call of the counties for that purpose, as follows:

*Subdivision 1.* On the call of each county the member from said county shall rise from his seat, and addressing the Chair, send to the Clerk's desk any bill or bills or joint resolution which he wishes to introduce, with the title thereof indorsed thereon in a plain and legible hand, which bill or joint resolution shall be read by its title, and thereupon the Speaker shall refer the same to its appropriate committee for consideration and report, and from such order of reference by the Speaker the member introducing the bill may appeal to the House if he so desires; when a bill is reported by a committee and shall have been ordered to be read a second time, the Clerk shall have the usual number of copies of the same printed for the use of the members of the Senate and House.

*Subdivision 2.* Upon the report of a bill or joint resolution by any committee, the Clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the Journal. Any standing or special committee may originate a bill and introduce the same upon its call for report, when it shall have its first reading.

*Subdivision 3.* The Clerk shall number all bills in the order they are so introduced, and continue the numbers in their order to the end of the session; and he shall keep a register of all bills introduced in the House, or transmitted for concurrence from the Senate, in which shall be recorded, under appropriate heads, the progress of such bills, from the date of their introduction to the time of their transmission—if House bills, to the Governor, or, if Senate bills, their return to the Senate.

Rule 37. On the second reading of a bill the Speaker shall state that it is ready for recommitment, amendment, or debate, and it may be recommitted to a select committee or a committee of the whole House; if to a committee of the whole House, it shall be determined on what day. If the bill be engrossed, a day shall be appointed by the House for its third reading. A bill may be re-committed at any time before its passage.

Rule 38. Bills shall be reported by committees written in a plain hand. They shall not be engrossed, except by order of the House; and the style of every bill shall be,



*"Be it enacted by the General Assembly of the Commonwealth of Kentucky."*

Rule 39. When a bill passes, it shall be certified by the Clerk, who, at the foot thereof, shall note the day on which it passed.

#### SUSPENSION OF THE RULES.

Rule 40. The Speaker shall not entertain a motion to suspend the rules, except on Mondays and Saturdays of each week, and during the last ten days of a session: *Provided, however,* That this rule shall not prevent the suspension or postponement of any special order, or of the standing orders of the day, for the purpose of completing or continuing the consideration of any measure pending at the time such special or standing orders may be reached.

Rule 41. The standing rules of the House, and the regular order of business, shall not be suspended or interrupted unless by a vote of two-thirds of the members present; and, on a motion to suspend the rules or the regular order of business for the purpose of reporting or taking up a bill or resolution, or offering a resolution out of its regular order, a call of the yeas and nays shall be taken.

#### COMMITTEES.

Rule 42. The standing committees shall be as follows, viz:  
To consist each of nine members:

1. Judiciary.
2. State Prisons.
3. Railroads and Commerce.
4. Charitable Institutions.
5. Education.
6. Revenue and Taxation.
7. Agriculture and Manufactures.
8. Land Titles.
9. General Statutes.
10. Municipalities.

11. Classification of Cities and Towns.
12. Constitutional Amendments.

To consist each of seven members—

13. Propositions and Grievances.
14. Claims.
15. Ways and Means.
16. Public Morals.
17. Internal Improvements.
18. Military Affairs.
19. Sinking Fund.
20. Banks and Banking.
21. Court of Appeals.
22. Circuit Courts.
23. County and City Courts.
24. Codes of Practice.
25. Criminal Laws.
26. Agricultural and Mechanical College.
27. Immigration and Labor.
28. Insurance.
29. Corporate Institutions.
30. Retrenchment and Reform.
31. Public Health.
32. Public Offices and Library.
33. Mines and Mining.
34. Suffrage and Elections.
35. Legislative Accounts.

To consist each of five members—

36. Rules.
37. Printing.
38. Federal Relations.
39. Enrollments.

And it shall not be competent for the House, by vote or otherwise, to add any one to the membership of either of said committees.

Rule 43. A majority of any committee may proceed to business.

Rule 44. The Committee on Enrollments may report at any time when not excluded by a privileged motion: *Provided*, That when any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees are called: *And provided also*, That no bill shall be reported by any committee which was introduced after said committee began to report.

### COMMITTEE OF THE WHOLE.

Rule 45. It shall be the standing order of the day throughout the session for the House to resolve itself into a committee of the whole House on the State of the Commonwealth.

Rule 46. When a bill or other matter is committed to a committee of the whole House, the question of going into the Committee of the Whole shall be first in the order of the day.

Rule 47. In committee of the whole House, bills shall be read and debated by sections, leaving the preamble and the title to be last considered.

Rule 48. All amendments made to an original House bill or resolution in committee shall be incorporated in the original, and so reported.

Rule 49. All questions, whether in committee or in the House, shall be disposed of in the order in which they are moved, except that, in filling blanks, the largest sum and the most remote day shall be first put.

Rule 50. The rules of the House shall be observed in committee when applicable, except a rule limiting the time of speaking.

### FINES.

Rule 51. All fines imposed on absentees shall be collected by the Sergeant-at-Arms and covered into the Treasury.

## CLERK'S DUTY.

Rule 52. The Clerk or Assistant Clerk shall report all bills or resolutions to the Senate, unless otherwise ordered by the House.

Rule 53. No member or other person shall visit or remain by the Clerk's table when the yeas and nays are being called.

Rule 54. All bills and joint resolutions originating in the Senate and reported to this House as passed therein, shall be read by their titles, when the Clerk shall refer them to appropriate committees, unless otherwise ordered by the House; but if one fifth of the members present object to this rule at any time, it shall not prevail.

## DUTIES OF ENROLLING CLERK.

Rule 55. The Enrolling Clerk of the House shall take charge of all House bills so soon as they are reported back to the House and ready to be enrolled; keep an accurate account of and carefully preserve all of them; cause them to be plainly and legibly enrolled without blots or erasures, and present the same when enrolled to the Committee on Enrollments, who shall immediately report them to the House for comparison and the signature of the Speaker; and when signed by the Speaker of the House, the Enrolling Clerk shall deliver them at once to the Senate, or such Committee as may be authorized to receive them in that body. All original House bills shall be returned by the Enrolling Clerk to the Clerk of the House at the time of the signing of the enrolled bills, and the Clerk of the House shall carefully preserve them.

## DOOR-KEEPER AND SERGEANT-AT-ARMS.

Rule 56. Five minutes before the hour for the meeting of the House each day, the Door-keeper and Sergeant-at-Arms shall see that the floor of the House is cleared of all persons, except those privileged to remain. (See Rules 10 and 11.)

## MOTION TO RECONSIDER.

Rule 57. A motion to reconsider any vote of the House shall not be in order after the lapse of three (3) days from the timesaid

vote was taken. If any bill on which a reconsideration is desired is not in the possession of the House, a committee shall be appointed, if the House so desires, to take necessary steps to secure the return of the bill to the House.

#### GENERAL PROVISIONS.

Rule 58. On all questions not provided for in the foregoing rules, the House shall be governed by parliamentary law or usage: *Provided*, The author of any measure shall have five minutes' time in which to explain upon the motion to lay on the table.

Rule 59. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a second reading unless it is so ordered by a vote of the House; and upon the question whether or not said bill shall be read a second time, the report of the committee to the contrary notwithstanding, no debate shall be allowed, except that the originator of the bill, or any one indicated by him, shall have ten minutes in which to explain the bill; and any one member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill should be ordered to a second reading, it shall be ready for recommitment, commitment, amendment or debate.

Rule 60. No appropriation shall be reported in any appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

J. C. W. BECKHAM,  
*Ex-officio Chairman*,  
J. MORGAN CHINN,  
B. W. BRADBURN,  
GEO. WEISSINGER SMITH,  
W. C. G. HOBBS.

Said report was adopted.

Mr. Charlton moved the adoption of the following resolutions,  
viz:

Resolved, That the contractor for the public printing be instructed to have printed for the use of members of this House one hundred and fifty copies of the Rules of this House, together with the joint rules of the two Houses and standing committees in convenient pamphlet form.

Said resolution was adopted.

Mr. Charlton moved the adoption of the following resolution :

WHEREAS, It is the duty of every people to cherish the memory of those who have achieved the greatest benefit for the common good, and have wrought the noblest benefits, we, in honor of the name of Andrew Jackson, first among those, since the Father of his Country, in resisting the domination of the British crown; and,

WHEREAS, The 8th day of January will be the date upon which this great achievement was accomplished, in commemoration of the event, January 8, 1815; therefore, be it

Resolved, That the Adjutant General be requested to have fired forty-six guns in honor of said event about 1 o'clock, at or near the arsenal, and that this resolution take effect from its passage.

Said resolution was adopted.

The Speaker laid before the House the notice of contest and other papers in the matter of A. Bertram vs. D. S. Powers for the seat from the counties of Wayne and Clinton.

Mr. Bradburn moved that the House proceed at once to select the committee for the trial of said contest according to law.

Said motion was adopted.

The Clerk proceeded to prepare the list of names of members and draw said committee according to law, and the following named members of the House were drawn as said committee:

J. Morgan Chinn,  
W. W. Combs,  
R. E. Richardson,  
D. D. Lykins,  
J. M. Lee,

Geo. Weissinger Smith.

F. May,

John M. Moore,

C. A. Wilson.

It was therefore ordered that said named members constitute the Committee on Contest in the case of Bertram vs. Powers.

The members of said committee, with the exception of Mr. Smith, who was absent on account of illness, were duly sworn by the Speaker.

Indefinite leave of absence was granted Mr. Ragland.

Mr. Charlton moved that the House adjourn until to-morrow at 11 o'clock a. m.

Said motion was adopted.

And then the House adjourned.

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FRIDAY, JANUARY 7, 1898.

The House was opened with prayer by Rev. Geo. H. Means, of the Methodist Church, South.

Mr. Speaker Beckham in the chair.

The journal of yesterday was read and approved.

Mr. Humphreys moved to reconsider the vote by which the House on yesterday adopted a resolution ordering the contractor for the public printing to print in convenient form the rules of the House, the joint rules of the two houses, and the standing committees of the House.

Said motion was adopted.

A message was received from the Governor as follows:

STATE OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, Ky., January 7, 1898. }

Gentlemen of the House of Representatives:

Herewith is handed to you the report of State Inspector and Examiner Lester, concerning his duties under joint resolution of March 2, 1896. I suggest that you take such action concerning the matter as you think proper.

WILLIAM O. BRADLEY,  
Governor of Kentucky.

OFFICE OF INSPECTOR AND EXAMINER,  
FRANKFORT, KY., January 6, 1898. }

To Hon. William O. Bradley, Governor of Kentucky:

By reason of other pressing official work, requiring immediate and constant attention from me for three months past, I failed to report to you my action under joint resolution No. 1, of the General Assembly, approved March 2, 1896.

I now submit the following:

The author of the resolution doubtless intended to confer upon the Inspector and Examiner plenary power to enforce the law on the subject of the sale of leaf tobacco. But the resolution mentions only the act approved April 5, 1892, entitled, "an Act to regulate the sale of leaf tobacco in this Commonwealth," and directs the Inspector and Examiner "to investigate any violations of that Act, and immediately prosecute before the Grand Jury and in the courts of any county in the State any warehouseman or commission merchant, who have violated, or who may hereafter violate any of the provisions of said Act."

By examination of the Act (being sections 4798 to 4809, both inclusive of Kentucky Statutes) you will perceive that the first nine sections define who are warehousemen, their duties, commissions, etc. These sections forbid the doing of a number of acts, which growers of leaf tobacco in all parts of the State complain that warehousemen are doing. It is claimed by the tobacco growers that warehousemen in Louisville constantly violate sec-



tion 4799 by failing to settle with them upon making sale of their tobacco for them, according to the net weight, including the sample, which is usually about ten pounds, taken from each hog-head, or package of tobacco sold. It is also claimed by the tobacco growers that they constantly violate section 4803 by charging commission for selling and paying over the proceeds to the owner. The only penalty denounced against warehousemen for violations of any of the nine sections named, is found in section 4807. Under this section the warehouseman is made liable to the party aggrieved in the sum of not less "than twenty-five, and not more than one hundred dollars."

The grand jury is given no jurisdiction, in fact there is no penal offense that may be prosecuted in the name of the Commonwealth. Thus it will be seen that the Inspector and Examiner can investigate the violations only, as the penalty must be recovered by the party aggrieved by civil actions.

For the purpose of ascertaining whether or not the general complaint of leaf tobacco growers in the State that these sections are constantly violated is true, I made a trip last summer through a number of tobacco growing counties, and conversed with a number of tobacco growers, and examined a large number of the return statements sent to them by the warehousemen, to whom they had intrusted the sale of their tobacco, and in every instance I found Section 4803, forbidding the charging of commissions, had been violated. I advised each aggrieved person whom I saw as to his rights and remedy under Section 4807. I have been more or less censured by some of the tobacco growers for my failure, as they allege, to have enforced Sections 4810 to 4813, both inclusive, of Kentucky Statutes; but you and all those who may have been inclined to censure me for alleged failure to discharge my duty, will observe that these sections are no part of the Act approved April 5, 1892, mentioned in the resolution named, and as it was not a part of the Act, I believed then and yet believe I was and am without power or authority to investigate any violations of those sections. However, by inquiring of persons who appeared to know, I am convinced that they are constantly

violated, and that great loss and injury to the tobacco growers of the State results from the violations. I will not venture into details as to how they are violated, for, as I construe the resolution, I am without jurisdiction to make an official investigation, and my private information is not sufficient to warrant a statement of facts.

I suggest that you communicate in some way these facts to the present Legislature, to the end that the resolution may be amended, so as to confer upon me the power to investigate these violations, and have them punished; or that the Legislature may take some other action to protect the suffering tobacco growers of the State from the wrongs which I am sure they are suffering and have suffered for years past.

The duties of my office, as now prescribed by law, if well and quickly done, are more now than one man can do well without the aid of a stenographer. If additional duties are to be required of me, I respectfully submit that I ought to be allowed at least \$720 per annum to secure the services of one, and to pay his traveling expenses when he leaves the seat of government to aid me.

All of which is respectfully reported,

C. W. LESTER,  
State Inspector and Examiner,

Mr. Hickman moved that when this House adjourns to-day it adjourn until Monday, January 10th, at 11 o'clock A. M., in observance of the time-honored anniversary of the battle of New Orleans.

Said motion was adopted.

Mr. Mc. Meloan moved the adoption of the following resolution, viz:

Resolved, That the desks of the members of this House shall not be littered by bill posters, and the distribution of advertising matter, such as circulars, dodgers and posters setting forth the merits of dry goods stores, tailoring establishments, blacksmiths, and barber shops, fire sales, restaurants, etc.

Said resolution was adopted.

Mr. Weatherford moved the adoption of the following resolution, viz:

Whereas, Tobacco smoke is offensive to many persons;

Therefore, be it resolved by the House of Representatives of Kentucky, That the Sergeant-at-Arms is hereby instructed to prohibit smoking in this hall at all times during the session of the Legislature.

Said resolution was adopted.

Mr. Mount was granted indefinite leave of absence.

Mr. Wheeler moved the adoption of the following resolution, viz:

Whereas, The Big Sandy Valley is abundantly supplied with timber, coal and other valuable minerals, which are undeveloped, and can not be developed and marketed on account of insufficient means of transportation; and, whereas, the government of the United States has begun the building of dams in said river, for the purpose of securing slack water navigation, by building a dam in Lawrence county, at Louisa, Ky., across said river; and, whereas, said dam has proved a grand success in every respect, but is insufficient alone to procure the means of constant and continual transportation of timber, coal, etc., from the counties of Pike, Floyd and Johnson, in the Upper Big Sandy Valley; and, whereas, in said counties the coal, minerals, etc., which are undeveloped and farthest away from market most abundantly abound, and the only means of development of same is by securing to said valley quick and constant means of transportation from and to said valley, which can be done by continuing the work begun—that of locking and daming said river; therefore,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

1. That our Senators and Representatives in the Congress of the United States, be, and they are hereby, earnestly requested and urged to use all honorable means in their power to procure an appropriation, by the Congress of the United States, sufficient

to lock and dam said river between Louisa and Pikeville, sufficient to produce the necessary means of transportation to enable the citizens and property owners in said valley to develop and transport their products to market.

2. That a copy of these resolutions be furnished each Senator and Representative in the Congress of the United States from Kentucky.

Said resolution was adopted.

Mr. Charlton moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned until Monday, January 10, 1898, at 11 o'clock A. M.

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MONDAY, JANUARY 10, 1898.

The House was opened with prayer by Rev. Wm. Crew, of the Southern Presbyterian Church.

Mr. Speaker Beckham in the Chair.

The Journal of Friday was read and approved.

Mr. Mallory moved the adoption of the following resolution, viz:

Resolved, That the various recommendations contained in the Governor's message be referred to their appropriate committees.

Said resolution was adopted.

The Speaker announced the following as the standing committees of the House, viz:

Judiciary—J. Morgan Chinn, chairman; Geo. Weissinger Smith, B. W. Bradburn, J. D. Mocquot, W. C. G. Hobbs, G. W. Hickman, F. M. Tracy, W. H. McKee, Charles F. Ogden.

State Prisons and House of Reform—South Trimble, chairman; Claude Desha, Joseph Humphreys, J. D. Wills, Waller Sharp, L. C. Rawlings, T. W. Clark, W. H. Cooke, Reuben Conner.

Railroads and Commerce—John Mc. Meloan, chairman; W. H. McKee, J. D. Mocquot, B. W. Bradburn, A. C. Brown, J. Morgan Chinn, Albert Charlton, Joseph Laufer, R. C. Jarnagin.

Charitable Institutions—John T. Hinton, chairman; J. M. Letterle, W. W. Combs, J. C. Cantrill, John Mc. Meloan, W. H. Ragland, T. H. Armstrong, W. T. Chilton, Andrew Sargent.

Education—Charles Nelson, chairman; L. E. Weatherford, R. E. Watkins, W. C. Pike, M. Abele, W. W. Combs, J. M. Moore, A. S. Denton, F. May.

Revenue and Taxation—Emmett Orr, chairman; G. W. Hickman, J. T. Hinton, A. J. Thompson, W. W. Gill, W. T. Chilton, W. H. Ragland, E. H. Read, W. J. Mears.

Agriculture and Manufactures—George Traver, chairman; W. A. Morris, J. E. Cahill, Ham Shehan, W. W. Gill, A. D. Pieratt, J. J. Marquette, L. J. Owen, W. H. Cole.

Land Titles—J. H. Williams, chairman; Waller Sharp, James N. Cahill, J. J. Marquette, R. E. Watkins, A. S. Denton, M. F. Spurllock, W. D. Powers, Daniel Woods.

Kentucky Statutes—W. B. Bradburn, chairman; J. R. Mallory, W. B. Henderson, Claude Desha, J. H. Williams, V. Perkins, B. F. Saunders, M. F. North, R. C. Meyers.

Municipalities—S. Atwood Smith, chairman; H. C. Pulliam, George H. Bishop, M. O'Sullivan, M. Abele, Claude Desha, Morgan Chinn, W. C. G. Hobbs, J. T. Hinton.

Classification of Cities and Towns—J. P. Haswell, chairman; James A. Small, W. C. Pike, J. D. Wills, Emmett Orr, O. P. Searcy, T. W. Clark, W. T. Freeman, Andrew Sargent.

Constitutional Amendments—F. M. Tracy, chairman; South Trimble, Joseph Humphreys, V. Perkins, R. C. Walker, L. E. Weatherford, W. C. Holland, Bruce Adkins, J. P. Haswell.

Propositions and Grievances—M. F. North, chairman; J. B. Depp, M. F. Spurlock, J. M. Lee, J. R. Mount, J. Lackey, J. A. Ingram.

Claims—W. T. Chilton, chairman; W. W. Gill, F. G. Shepherd, Waller Sharp, L. J. Owen, J. J. Marquette, Reuben Morris.

Ways and Means—J. C. Cantrill, chairman; O. P. Searcy, W. C. Holland, Reuben Conner, J. L. Brown, J. S. Robey, J. A. Ingram.

Public Morals—E. Petty, chairman; Bruce Adkins, W. H. Cooke, W. A. Morris, Anderson Hatfield, E. H. Read, J. M. Hall.

Internal Improvements—R. E. Richardson, chairman; W. H. Ragland, G. B. Stout, J. M. Moore, L. C. Rawlings, George H. Bishop, D. D. Lykins.

Military Affairs—James M. Lee, chairman; J. S. Robey, A. C. Brown, H. C. Pulliam, J. A. Small, Reuben Morris, Noah Marsee.

Sinking Fund—M. O'Sullivan, chairman; W. H. Ragland, L. J. Owens, W. J. Mears, J. H. Lackey, J. B. Depp, J. H. Minor.

Banks and Banking—H. C. Pulliam, chairman; J. T. Hinton, T. H. Armstrong, George H. Bishop, John Mc. Meloan, George Weissinger Smith, A. C. Brown.

Court of Appeals—George Weissinger Smith, chairman; W. H. McKee, J. R. Mallory, B. F. Saunders, M. F. North, R. C. Meyers, J. P. Haswell.

Circuit Courts—G. W. Hickman, chairman; R. E. Watkins, J. S. Robey, R. E. Richardson, W. B. Henderson, C. B. Wheeler, Charles F. Ogden.

County and City Courts—V. Perkins, chairman; Joseph Humphreys, L. E. Weatherford, George Traver, J. H. Williams, A. B. Pieratt, H. S. Vanzant.

Codes of Practice—J. D. Mocquot, chairman; F. M. Tracy, George Weissinger Smith, W. C. G. Hobbs, H. C. Pulliam, J. P. Haswell, C. B. Wheeler.

Criminal Law—J. R. Mallory, chairman; V. Perkins, W. B. Henderson, W. H. McKee, R. E. Watkins, George Traver, H. S. Vanzant.

A. & M. College—W. J. Mears, chairman; W. C. Pike, A. B. Pieratt, Joseph Humphrers, L. E. Weatherford, C. A. Wilson, W. L. Sharp.

Emmigration and Labor—J. R. Mount, chairman; F. G. Shepherd, J. L. Brown, O. P. Searcy, E. Petty, J. H. Minor, D. D. Lykins.

Insurance—C. B. Stout, chairman; M. Abele, George H. Bishop, J. C. Cantrill, A. C. Brown, J. F. Laufer, W. W. Combs.

Corporate Institutions—Claude Desha, chairman; T. H. Armstrong, G. B. Stout, South Trimble, A. J. Thompson, John M. Letterle, Emmett Orr.

Retrenchment and Reform—Reuben Conner, chairman; L. C. Rawlings, J. M. Lee, J. B. Depp, Ham. Shehan, J. D. Jeffries, C. W. Haverly.

Public Health—J. H. Lackey, chairman; A. S. Denton, S. Atwood Smith, T. W. Clark, J. S. Hood, Andrew Sargent, John Collins.

Public Offices and Library—W. H. Cooke, chairman; J. E. Cahill, Waller Sharp, Ham. Shehan, Albert Charlton, Charles Nelson, W. T. Freeman.

Mines and Mining—A. J. Thompson, chairman; J. D. Wills, B. F. Saunders, J. A. Small, M. F. Spurlock, R. C. Jarnagin, J. H. Hall.

Suffrage and Elections—R. C. Walker, chairman; B. F. Saunders, B. W. Bradburn, R. E. Richardson, J. R. Mallory, O. P. Searcy, J. S. Hood.

Legislative Accounts—W. B. Henderson, chairman; J. S. Robey, R. S. Walker, Charles Nelson, W. O. Sullivan, E. Petty, John Collins.

Public Warehouses, Granaries—Albert Charlton, chairman; T. H. Armstrona, J. A. Small, J. C. Cantrill, F. G. Shepherd, David Woods, W. D. Powers.

Rules—Speaker Beckham, chairman; J. M. Chinn, B. W. Bradburn, George Weissinger Smith, W. C. G. Hoobs.

Printing—Joseph F. Laufer, chairman; W. B. Henderson, Emmett Orr, M. F. North, James Lee.

Federal Relations—C. A. Wilson, chairman; J. L. Brown, J. R. Mount, W. C. Holland, W. L. Sharp.

Enrollments—John M. Letterle, chairman; W. C. Pike, W. A. Morris, John M. Moore, F. May.

Mr. Bradburn moved that the Rules of the House be suspended in order that the counties might be called for the introduction of bills and resolutions.

Said motion was adopted.

The yeas and nays being required thereon, were as follows, viz:

Those voting yea were—

T. H. Armstrong,	J. P. Haswell, Jr.	Harry C. Pulliam,
B. W. Bradburn,	W. B. Henderson,	E. Petty,
J. L. Brown,	Anderson Hatfield,	W. C. Pike,
W. H. Cole,	J. A. Ingram,	D. S. Powers,
Reuben Conner,	J. P. Jeffries,	A. B. Pieratt,
A. H. Charlton,	R. C. Jarangin,	R. E. Richardson,
W. W. Combs,	J. H. Lackey,	E. H. Read,
T. W. Clark,	D. D. Lykins.	J. S. Robey,
W. T. Chitton,	Joseph F. Laufer,	F. G. Sheppard,
W. H. Cooke,	J. M. Lee,	I. A. Small,
J. C. Cantrill,	J. R. Mallory,	W. T. Sharp,
J. E. Cahill,	J. J. Marquette,	O. P. Searcy,
J. Morgan Chinn,	W. J. Mears,	Miles Spurlock,
John Collins,	R. C. Myers,	Ham. Shehan,
Claude Desha,	Noah Marsee,	B. F. Saunders,
J. B. Depp,	John M. Moore,	A. J. Thompson,
M. T. Freeman,	W. H. McKee,	South Trimble,
W. W. Gill,	F. May,	H. S. Vanzant,
W. C. Holland,	J. H. Minor,	L. E. Weatherford,
C. W. Haverly,	W. A. Morris,	C. A. Wilson,
J. S. Hood,	J. Mc. Meloan,	C. B. Wheeler,



J. A. Humphreys,	Chas. Aaron Nelson,	R. E. Watkins,
W. C. G. Hobbs,	Emmett Orr,	R. C. Walker,
James M. Hall,	Chas. F. Ogden,	David Woods,
John T. Hinton,	Michael O'Sullivan,	J. D. Wills—75.

Those voting nay were—

Reuben Morris,	S. Atwood Smith,	G. B. Stout,
L. J. Owen,	Andrew Sargent,	Frank M. Tracy—7.
V. Perkins,		

Upon the call of counties the following bills and resolutions were introduced and referred, viz:

By Mr. McKee:

H. B. 1. "An act regulating Fire Insurance Companies and their agents, to do business in this State, and providing penalties for the violation of the provisions of this act."

Referred to the Committee on Insurance.

By Mr. Hinton:

H. B. 2. An act to repeal an act entitled "An act for the protection of purchasers, lessees and encumbrances of real estate," approved March 17, 1896.

Referred to the Committee on Kentucky Statutes.

By Mr. Hinton:

H. B. 3. An act to provide for the taking of depositions in this State in short hand, and transcribing and regulating the cost thereof.

Referred to the Committee on Codes of Practice.

By Mr. W. L. Sharp:

H. B. 4. An act to amend an act entitled "An act for the protection of food fishes in certain waters in the State of Kentucky."

Referred to the Committee on Propositions and Grievances.

By Mr. Watkins:

H. B. 5. An act to prohibit the use of cigarettes, and to provide the punishment for its violation.

Referred to the Committee on Public Morals.

By Mr. Hobbs:

H. B. 6. An act to amend subsection one of section 606, Civil Code of Practice, relating to evidence.

Referred to Committee on Codes of Practice.

By Mr. Hobbs:

H. B. 7. An act to amend subsection two of section 1684 of Kentucky Statutes, relating to the redemption of real estate sold under execution.

Referred to Committee on Kentucky Statutes.

By Mr. Hobbs.

H. B. 8. An act to amend section 2364 of the General Statutes of Kentucky, relating to redemption of real estate sold under decree of Court.

Referred to Committee on Kentucky Statutes.

By Mr. Weatherford:

H. B. 9. An act to prevent discrimination of corporations or individuals against members of labor organizations, and providing penalties for the violation of this act.

Referred to the Committee on Corporations.

By Mr. Nelson:

H. B. 10. An act to regulate the charges and define the duties and privileges of persons and corporations operating stock yards in this Commonwealth.

Referred to the Committee on Corporations.

By Mr. Nelson:

H. B. 11. An act to abolish the office of Register of the Land Office, and to require the Auditor of Public Accounts to perform the duties of said office.

Referred to the Committee on Judiciary.

By Mr. Clark:

H. B. 12. An act to amend and to re-enact and to extend

article III (3) of chapter 113 of the Kentucky Statutes, composed of sections 4377 to and including 4383, pertaining to the State Board of Education; to extend the duties of said board, and create same as a commission for the purpose of securing for use in the common schools of the Commonwealth of Kentucky, a series of text-books; defining the duties of certain officers pertaining thereto; defining certain felonies and misdemeanors; providing penalties for the violation of the provisions of said act, and repealing all laws in conflict therewith.

Referred to the Committee on Education.

By Mr. Ingram:

H. B. 13. An act to amend an act, entitled "An Act to assign cities and towns of this Commonwealth to the classes to which they belong."

Referred to the Committee on Classification of Cities and Towns.

By Mr. S. Atwood Smith:

H. B. 14. An act to amend section (10) of an act entitled "An act to amend an act entitled an act for the government of cities of the first class," approved March 23, 1894.

Referred to the Committee on Municipalities.

By Mr. Ogden:

H. B. 15. An act amending section 950 Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Ogden:

H. B. 16. An act to regulate admission to the Bar.

Referred to the Committee on Kentucky Statutes.

By Mr. North:

H. B. 17. An act to amend section 74 of article 8, of the Common School Laws of Kentucky.

Referred to the Committee on Education.

By Mr. North:

H. B. 18. An Act to prevent butchers and other persons from selling or offering for sale for food the flesh of any animal dying otherwise than by slaughter, or known to be diseased when slaughtered.

Referred to the Committee on Public Health.

By Mr. North:

H. B. 19. An Act to amend section 353, article 2, chapter 20, of the Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. North:

H. B. 20. An act to amend section 969, subdivision two, article two, chapter thirty-five, Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. North:

H. B. 21. An act to amend section 2056, chapter sixty-two of the Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. North:

H. B. 22. An act to prohibit the marriage of first cousins.

Referred to the Committee on Propositions and Grievances.

By Mr. North:

H. B. 23. An act to prohibit persons from setting fire to any woods, fence, grass, straw or other thing capable of spreading fire on the land of another.

Referred to the Committee on Criminal Law.

By Mr. North:

H. B. 24. An act to repeal an act entitled "An act to establish a State Board of Equalization in this Commonwealth," approved May 4, 1888.

Referred to the Committee on Revenue and Taxation.

By Mr. North:

H. B. 25. An act to abolish the office of Register of the Land

Office, and consolidate it with the office of Auditor of Public Accounts.

Referred to the Committee on Judiciary.

By Mr. North:

H. B. 26. An act to require owners of dams across certain streams in this Commonwealth to construct and keep in repair fish roads, or ladders, over said dams.

Referred to the Committee on Criminal Law.

By Mr. Combs:

H. B. 27. An act to further define the duties of the Clerk of the House of Representatives.

Referred to the Committee on Legislative Accounts.

By Mr. Mocquot:

H. B. 28. An act to amend section 4224 of the Kentucky Statutes, relating to the license-tax on occupations.

Referred to the Committee on Kentucky Statutes.

By Mr. Hickman:

H. B. 29. An act to repeal chapter 1362, of the session acts of 1887-8, entitled "An Act to establish a State Board of Equalization and Assessments in this Commonwealth," also the act amendatory thereto of session acts 1889-90, and also article 16 of chapter 108, of the Kentucky Statutes.

Referred to the Committee on Revenue and Taxation.

By Mr. Thompson:

H. B. 30. An act to regulate the charges by owners and operators of stock yards.

Referred to the Committee on Corporations.

By Mr. Jarnagin:

H. B. 31. An act to amend an act entitled: "An Act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

Referred to the Committee on Education.

By Mr. North:

H. Res. 1. Resolution providing for amendment of the Constitution of Kentucky.

Referred to Committee on Constitutional Amendments.

By Mr. North:

H. Res. 2. Resolution providing for amendment to the Constitution.

Referred to the Committee on Constitutional Amendments.

And then the House adjourned.

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TUESDAY, JANUARY 11, 1898.

The House was opened with prayer, by Hon. E. Petty, of the county of Grant.

Mr. Speaker Beckham in the chair.

The journal of yesterday was read and approved.

Upon the call of counties for the introduction of bills, the following bills were introduced and referred, viz:

By Mr. Moore:

H. B. 32. An act to amend an act entitled an Act to assign cities and towns of this Commonwealth to classes to which they belong.

Referred to Committee on Classification of Cities and Towns.

By Mr. Henderson:

H. B. 33. An act to amend section 1944, chapter 57, title Game and Birds.

Referred to the Committee on Kentucky Statutes.

By Mr. Meloan :

H. B. 34. An act to establish and maintain a uniform system of school books in the public schools of the State, and to reduce the price thereof.

Referred to the Committee on Education.

By Mr. Traver :

H. B. 35. An act to amend and re-enact section 1155 of the Kentucky Statutes as to the protection of young girls.

Referred to the Committee on Criminal Law.

By Mr. Walker :

H. B. 36. An act authorizing the employment of convict labor upon public roads, and providing therefor.

Referred to the Committee on Internal Improvements.

By Mr. Walker :

H. B. 37. An act to amend section 46, of article 6, chapter 250, of an act, entitled "An Act for the government of cities of the fifth class."

Referred to the Committee on Municipalities.

By Mr. Humphreys :

H. B. 38. An act to amend section 6 of an act, entitled "An Act to provide free turnpike and gravel roads," approved March 17, 1896.

Referred to the Committee on Internal Improvements.

By Mr. Petty :

H. B. 39. An act entitled an act to amend an act entitled, "An Act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

Referred to the Committee on Public Morals.

By Mr. Weatherford :

H. B. 40. An act to regulate and reduce salaries of certain state officials.

Referred to the Committee on Judiciary.

By Mr. Owen:

H. B. 41. An act relating to Revenue and Taxation, a bill to prevent double taxation.

Referred to the Committee on Revenue and Taxation.

By Mr. Myers:

H. B. 42. An act to amend and re-enact section 4308 of Article 1, chapter 110, of an act entitled: "An Act relating to roads and passways," approved March 10, 1894.

Referred to Committee on Internal Improvements.

By Mr. Myers:

H. B. 43. An act to amend and re-enact section 4443 of Article 8, chapter 113 of Kentucky Statutes (being section 79 of the Common School Law of 1896) of an act to provide an efficient system of common schools throughout this State.!

Referred to the Committee on Education.

By Mr. J. L. Brown:

H. B. 44. An act to amend section 1944 of chapter 57, of the Kentucky Statutes, entitled "Game and Birds.

Referred to the Committee on Criminal Law.

By Mr. J. L. Brown:

H. B. 45. An act to amend section 4454, chapter 113, article 8, Kentucky Statutes, entitled "Common Schools."

Referred to the Committee on Education.

By Mr. J. L. Brown:

H. B. 46. An act to amend section 4444, chapter 113, article 8, of the Kentucky Statutes, entitled "Common Schools."

Referred to the Committee on Education.

By Mr. Clark:

H. B. 47. An act to amend section 822 of chapter 32, article 5, title, Corporations—Private, of the Kentucky Statutes, relating to expenses of Railroad Commission.



Referred to the Committee on Railroads.

By Mr. Clark :

H. B. 48. An act to repeal an act entitled, "An Act to organize and establish a system of graded schools in Madisonville, Hopkins county," approved April 16, 1888.

Referred to the Committee on Education.

By Mr. Clark :

H. B. 49. An act to change the name of the town of Dawson City.

Referred to the Committee on Municipalities..

By Mr. Wilson :

H. B. 50. An act relating to adulteration of food in the Commonwealth of Kentucky.

Referred to the Committee on Public Health.

By Mr. Tracy :

H. B. 51. An act to amend section 1697 Kentucky Statutes, entitled, "An Act exempting personal property of persons with a family residing in this Commonwealth."

Referred to the Committee on Kentucky Statutes.

By Mr. Tracy :

H. B. 52. An act defining embezzlement, and providing a penalty therefor.

Referred to the Committee on Criminal Law.

By Mr. Tracy :

H. B. 53. An act repealing sections 98, 99, 100 and 101 of the Kentucky Statutes, and providing regulations for the admission of persons to the practice of the law.

Referred to Committee on Judiciary.

By Mr. Tracy :

H. B. 54. An act to amend section 2326 Kentucky Statutes, and providing for the number of days notice a tenant shall be entitled to.

Referred to Committee on Kentucky Statutes.

By Mr. Tracy:

H. B. 55. An act providing for the transportation of bicycles as baggage by all railroads operating in the Commonwealth of Kentucky.

Referred to the Committee on Railroads.

By Mr. Tracy:

H. B. 56. An act to amend section 1469 Kentucky Statutes, and specifying the hours within which elections shall be held.

Referred to Committee on Suffrage and Elections.

By Mr. Tracy:

H. B. 57. An act to amend section 1086 Kentucky Statutes, and regulating the jurisdiction of justices of the peace in civil actions.

Referred to the Committee on County and City Courts:

By Mr. Tracy:

H. B. 58. An act to amend section 579 Kentucky Code of Civil Procedure, and regulating the powers of an officer in taking depositions.

Referred to Committee on Codes of Practice.

By Mr. Tracy:

H. B. 59. An act repealing section 601 Kentucky Code of Civil Procedure, and substituting therefor an act providing for the exclusion of witnesses from the court room during the trial of cases.

Referred to the Committee on Codes of Practice.

By Mr. Tracy:

H. B. 60. An act to amend section 606 of Kentucky Code of Civil Practice, and regulating the competency of witnesses in civil actions.

Referred to the Committee on Codes of Practice.

By Mr. Laufer.

H. B. 61. An act concerning the duties of county assessors in counties containing a population of 75,000 or over.

Referred to Committee on Revenue and Taxation.

By Mr. Pulliam:

H. B. 62. An act entitled, "An Act to protect Hotel, Inn and Boarding-house Keepers."

Referred to Committee on Kentucky Statutes.

By Mr. Atwood Smith:

H. B. 63. An act to amend an act entitled "An Act to amend the Revenue Laws of the Commonwealth of Kentucky," approved May 17, 1886.

Referred to Committee on Revenue and Taxation.

By Mr. Mears:

H. B. 64. An act to amend section 2276 Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Mears:

H. B. 65. An act to amend section 1944 Kentucky Statutes.

Referred to Committee on Criminal Law.

By Mr. Mocquot.

H. B. 66. An act to amend certain provisions of the Criminal Code of Practice—concerning verdicts.

Referred to Committee on Codes of Practice.

By Mr. Mocquot.

H. B. 67. An act to amend the provisions of the Criminal Code of Practice—concerning judgments.

Referred to Committee on Codes of Practice.

By Mr. Mocquot:

H. B. 68. An act to amend section 2246 Kentucky Statutes, and to re-enact said section as amended.

Referred to Committee on Kentucky Statutes.

By Mr. Hickman:

H. B. 69. An act to amend article 15 chapter 47, subdivision I., section 1749 of Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Williams:

H. B. 70. An act appropriating money to pay certain claims due the sheriffs and jailer of Menifee county, and directing the Auditor of Public Accounts to draw his warrant on the Treasurer of the State of Kentucky, in favor of J. B. Lyons, Sheriff; W. Branham, Deputy Sheriff; and Thomas Greenwade, Jailer.

Referred to Committee on Claims.

By Mr. Williams:

H. B. 71. An act to amend section 1319 of the Kentucky Statutes entitled, "Profane swearing and drunkenness."

Referred to the Committee on Criminal Law.

By Mr. Williams:

H. B. 72. An act to repeal chapter 53 of the Kentucky Statutes, and to re-enact into one all the acts and parts of acts relating to the taking or catching fish from the waters of the State of Kentucky.

Referred to the Committee on Criminal Law.

By Mr. Williams:

H. B. 73. An act to amend section 1304 of the Kentucky Statutes entitled, "Selling without license."

Referred to the Committee on Criminal Law.

By Mr. Williams:

H. B. 74. An act to amend section 1208, chapter 36, subdivision 11 of the Kentucky Statutes entitled, "Obtaining money or property by false pretense.

Referred to the Committee on Criminal Law.

By Mr. Pieratt:

H. B. 75. An act to amend section 4434, article 8 of the Kentucky Statutes entitled, District Trustees.

Referred to the Committee on Education.

By Mr. Cooke:

H. B. 76. An act concerning the salaries of officers of the towns of the sixth class.

Referred to the Committee on Municipalities.

By Mr. Perkins:

H. B. 77. An act to classify the district of Sebree, in Webster county, as a town of the fifth class.

Referred to the Committee on Classification of Cities and Towns.

Mr. Charlton moved the adoption of the following resolution, viz:

Whereas, There is at present pending in the United States Senate a treaty providing for the annexation of the Hawaiian Islands; and

Whereas, That annexation would be tantamount to the admission of a slave State, the representatives of which would necessarily work and vote for the enslavement of labor in general; therefore be it

Resolved, that we urge our Senators and Representatives in Congress to reject the treaty of annexation and to take such other steps as may be necessary to maintain amicable relations with Hawaii.

Resolved further, That a copy of these resolutions be sent to our Senators and Representatives in the Congress of the United States.

Mr. Mocquot moved to refer said resolution to the Committee on Federal Relations.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Mocquot and Myers were as follows:

Those who voted in the affirmative were—

W. H. Cole,  
John Collins,

J. P. Jeffries,  
R. C. Jarnagin,

L. J. Owen,  
D. S. Powers,

J. B. Depp,	J. R. Mallory,	V. Perkins,
M. T. Freeman,	J. D. Mocquot,	E. H. Read,
C. W. Haverly,	Reuben Morris,	J. A. Small,
J. S. Hood,	R. C. Myers,	Andrew Sargent,
James M. Hall,	Noah Marsee,	W. T. Sharp,
J. H. Hall,	F. May,	G. B. Stout,
J. P. Haswell, Jr.,	J. H. Minor,	Frank M. Tracy,
Anderson Hatfield,	J. Mc. Meloan,	H. S. Vanzant,
J. A. Ingram,	Chas. F. Ogden,	C. B. Wheeler—33.

Those who voted in the negative were—

Bruce Adkins,	W. C. G. Hobbs,	L. C. Rawlings,
B. W. Bradburn,	John T. Hinton,	R. E. Richardson,
A. C. Brown,	W. B. Henderson,	J. S. Robey,
J. L. Brown,	G. W. Hickman,	S. Atwood Smith,
George H. Bishop,	J. H. Lackey,	F. G. Shepherd,
Reuben Conner,	D. D. Lykins,	O. P. Searcy,
A. H. Charlton,	Joseph F. Laufer,	Miles Spurlock,
W. W. Combs,	J. M. Lee,	Ham. Shehan,
T. W. Clark,	J. J. Marquette,	B. F. Saunders,
W. T. Chilton,	W. J. Mears,	A. J. Thompson,
W. H. Cooke,	John M. Moore,	South Trimble,
J. C. Cantrill,	W. H. McKee,	George Traver,
J. E. Cahill,	W. A. Morris,	L. E. Weatherford,
J. Morgan Chinn,	M. F. North,	C. A. Wilson,
A. S. Denton,	Chas. Aaron Nelson,	R. E. Watkins,
Claude Desha,	Michael O'Sullivan,	R. C. Walker,
W. W. Gill,	Harry C. Pulliam,	David Woods,
W. C. Holland,	E. Petty,	J. D. Wills,
J. A. Humphreys,	A. B. Pieratt,	Jas. H. Williams—57.

So said motion was rejected.

Said resolution was then adopted.

Mr. Charlton moved that the House do now adjourn until to-morrow morning at 11 o'clock.

Said motion was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 12, 1898.

The House was opened with prayer by Rev. Wm. Crowe, Jr., of the Southern Presbyterian Church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was read and approved.

Mr. Lackey moved the adoption of the following resolution, viz:

Resolved, That we, the Lower House of the General Assembly of the State of Kentucky, would hereby express our sympathy with the struggling Cuban patriots, and respectfully call upon the Kentucky Members of Congress to use their influence to have the United States government acknowledge the belligerency of the patriots, and use all other honorable and peaceable means to help them secure their liberty.

Said resolution was adopted.

Mr. Jarnagin moved the adoption of the following resolution, viz:

Whereas, During the late civil war many Kentuckians enlisted as State volunteers, and rendered efficient service in behalf of the Union; and whereas, many said soldiers were wounded while in service, and contracted disease; and whereas, there has never been any provision for pensioning same; be it therefore

Resolved, That our Senators and Congressman from this State be requested to secure the passage of such laws as will secure to these volunteers such advantages as are now enjoyed by those who were regularly enlisted in the United States Service.

Said resolution was rejected.

Mr. Conners proposed the following resolution, viz:

Whereas, The price of everything has gone down but the salaries of the public servants, and they are to-day the same as they were during the war, when everything was very high. The expenses of the government should be reduced to meet its income, and to that end we believe that all salaries should be reduced, therefore,

Resolved, That this matter be referred to the Committee on

Retrenchment and Reform, who are directed to investigate the same, with a request that they report to this House a bill reducing all salaries and fees paid to public officials, whether paid by the citizens or the State.

Mr. Conners moved that said resolution be referred to the Committee on Judiciary who have this matter under consideration.

Said motion was adopted.

Mr. Ingram moved the adoption of the following resolution, viz:

Resolved, That our Senators and members in Congress urge the passage of a bill making an appropriation for the purpose of having a channel cut around the Falls of Cumberland River, so as to admit the passage of fish in said river, and that this resolution be spread upon the Journal of the House and a copy of same be transmitted to each one of our Senators and members in Congress.

Said resolution was rejected.

Mr. North, from the Committee on Propositions and Grievances, to whom the same had been referred, reported H. B. 22, entitled "An act to prohibit the marriage of first cousins."

Said bill was read in full the first time, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Bradburn, from the Committee on Rules, reported the following joint rules of the two Houses, viz:

### JOINT RULES.

Joint Rule 1. When bills are on their passage between the two Houses, they shall be on paper, and under the signature of the clerk of each House respectively.

Joint Rule 2. After a bill shall have passed both Houses, it shall be duly enrolled on paper, and under the signature of the clerk of each House respectively.



Joint Rule 3. When bills are enrolled, they shall be examined by a joint committee of five from the Senate and five from the House of Representatives, appointed as a standing committee for that purpose; one of whom on the part of the Senate, and two from the House of Representatives, shall be sufficient to compare the enrolled with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

Joint Rule 4. After examination and report each bill shall be signed in their respective Houses during open session, first by the Speaker of the House of Representatives and then by the President of the Senate.

Joint Rule 5. After a bill shall have been thus signed by each House, it shall be presented by the clerk of the House in which the bill originated to the Governor for his approbation—it being first indorsed on the back of the bill, certifying in which House the same originated; which indorsement shall be signed by the clerk of the House in which the same did originate, and shall be entered on the Journal of each House. The said clerk shall report the day of presentation to the Governor, which time shall also be carefully entered upon the Journal of each House.

Joint Rule 6. All bills and resolutions passing from one House to the other shall take the course prescribed by the House to which they are transmitted.

Joint Rule 7. All orders and resolutions which are to be presented to the Governor for his approbation shall also be previously enrolled, examined and signed in open session, and shall be presented in the same manner and by the clerk, as is provided in cases of bills.

Joint Rule 8. Every order, resolution or vote to which the concurrence of the Senate shall be necessary, shall be read to the House and laid on the table on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Joint Rule 9. When any papers may come officially before either branch of the Legislature, or any communication from the Governor, and are proper to be acted upon by both Houses, the House before which such papers are laid, or to whom such communications are made, shall, as soon as they have proceeded and acted on the same, lay them before the other House.

Joint Rule 10. When there is a communication from the Governor, or a message from one House to the other, it shall be received without delay; if the House be in committee, the Speaker shall resume the chair, and if any member be speaking, he shall suspend his remarks until the communication or message be received.

#### RULES FOR THE GOVERNMENT OF THE TWO HOUSES WHEN IN JOINT SESSION.

Joint Rule 11. A Joint Assembly of the two Houses shall be held in the Hall of the House of Representatives. The President of the Senate shall occupy a seat on the right of the Speaker of the House, preside, preserve decorum, put questions, and decide all points of order; be governed by the Rules of the Senate, where they are applicable, and by parliamentary usage. The clerk of the Senate shall be chief clerk, assisted by the clerk of the House. They shall enter on the Journal of their respective Houses the proceedings of the Joint Assembly. In recording any vote, the names of the senators shall be first called, and all questions shall be determined by a majority of all the votes cast. The sergeant-at-arms of the Senate, assisted by the sergeant-at-arms of the House, shall perform the duties of that office to the Joint Assembly. A quorum for the transaction of business shall consist of a majority of all the members elected to both Houses.

Said report was adopted.

Mr. Charlton moved that the House adjourn until to-morrow at 11 o'clock A. M.

Said motion was adopted.

And then the House adjourned.

THURSDAY, JANUARY 13, 1898.

The House was opened with prayer by Rev. M. B. Adams, of the Baptist church.

Mr. Speaker Beckman in the chair.

The journal of yesterday was read and approved.

Mr. Charlton read and laid on the table the following concurrent resolution, viz:

Whereas, the statutes require that a State Librarian shall be elected in the month of January, and that the Senate and House of Representatives shall fix a day to meet in joint session for that purpose.

Therefore be it resolved by the Senate and House of Representatives, That a joint session of the two Houses be held on Tuesday January 25th, at the hour of noon, in the Hall of Representatives for the purpose of electing a State Librarian in compliance with the Statute.

Mr. Searcy read and laid on the table the following concurrent resolution, viz:

Resolved by the General Assembly of the State of Kentucky, That our Senators and Representatives in the Congress of the United States be, and they are hereby respectfully requested to introduce a bill, and to employ their best efforts and all honorable means to secure its passage, prohibiting the appropriation of money for the relief or benefit of any individual or association of individuals, except in case of absolute destitution or suffering, and then only to supply food, clothing and shelter, or any of them, and delivered by the Government directly to the recipients.

Mr. Sargent read and laid on the table the following concurrent resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That we respectfully urge upon our Senators and Rep-

representatives in the Congress of the United States the early passage of the so-called Anti-Scalping bill, now before that honorable body, which bill provides for restricting the sale of tickets to the properly authorized agents of the transportation companies, and provides for the redemption of all unused tickets or parts of tickets.

Resolved, That the clerk be ordered to furnish each of our Senators and Representatives in Congress a copy of this resolution.

Mr. Trimble read and laid on the table the following concurrent resolution, viz:

Resolved by the House of Representatives of Kentucky, the Senate concurring therein, That the Committee on the State Prisons and House of Reform of the House of Representatives, in conjunction with the Committee on Penitentiaries and House of Reform of the Senate, be authorized and empowered to investigate the management, conduct and condition of the penitentiary at Frankfort and the penitentiary at Eddyville, including the contracts concerning the the same made by the Board of Sinking Fund Commissioners, and the operation and effect of such contracts and all other matters concerning said penitentiaries.

The Committee is empowered to appoint sub-committees, to send for persons and papers; to summon, swear and examine witnesses and to employ such clerical assistance as may be necessary in their investigation.

The Committees will report the transcript of the testimony heard and their findings, together with such recommendations as they may desire to make to the House respectively.

Mr. Laufer moved the adoption of the following resolutions, viz.:

Resolved that not less than three hundred paper covered copies of all bills ordered printed be furnished to this House for use of its members.

Said resolution was adopted.

Mr. Saunders read and laid on the the table, the following concurrent resolution, viz.:

Whereas, The Democratic party of Kentucky is in favor of free and unlimited coinage of both gold and silver at the present legal ratio of 16 to 1; and

Whereas, The Democratic party is opposed to a single gold standard; and

Whereas, Said party is opposed to retiring the greenbacks from circulation; and

Whereas, One William Lindsay, at present United States Senator from Kentucky, is opposed to the free and unlimited coinage of both gold and silver; and

Whereas, Said Lindsay is in favor of a single gold standard; and whereas said Lindsay is in favor of retiring the greenbacks from circulation; and whereas said Lindsay voted against the Democratic nominee for President in 1896; and

Whereas, Said Lindsay, in 1897, worked in the interest of the Republican party by speaking against the Democratic nominee for Clerk of the Court of Appeals, and by so doing proved himself an ally to the Republican party; and whereas said Lindsay by so voting and working against the interest of the Democracy has betrayed the trust reposed in him by his constituency;

Therefore, Be it resolved by the General Assembly of Kentucky that this body request that said Lindsay resign his seat in the United States Senate and give place for some Democrat who will represent the interest of the Democratic party.

Resolved further that a copy of these resolutions be sent to said William Lindsay.

Mr. Charlton moved to amend by asking Senator Deboe to resign also.

Mr. Desha moved to refer said resolution and amendment to the Committee on Propositions and Grievances.

Said motion was adopted.

Mr. Williams read and laid on the table the following concurrent resolution, viz:

Whereas, According to the Internal Revenue laws of the

United States of America any one paying the amount of special taxes fixed by said law can obtain a license to sell by retail spirituous and malt liquors anywhere in these United States without regard to the laws of states or the expressed will of the people in Local Option districts, thereby defeating the ends and purposes of the local option laws,

Therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky,

1. That our Senators and Representatives in the Congress of the United States are hereby requested to use such honorable means as are in their power as the representatives of a confiding people of a great State, to have such laws enacted and regulations of department adopted by the Federal Government as will prohibit the licensing of the whisky traffic in local option districts. To that end we would recommend such laws and regulations of the Internal Revenue Department of the Federal Government as will prohibit its collectors and deputy collectors from issuing licenses to any one to retail spirituous liquors in these United States until the applicant shall first in good faith have produced a certificate of good moral character and a license so to sell, obtained from the proper local authority in the city, town or district where the liquors are to be sold.

2. Resolved, That these resolutions be spread at large on the Journal of each House and a copy thereof mailed to each of our Senators and Members in Congress.

Mr. Orr moved the adoption of the following resolutions, viz:

Resolved, That the State Librarian be required to furnish the Chairman of each of the House Committees with a copy of Kentucky Statutes, and that if the library does not contain a sufficient number that she be authorized to purchase same.

Said resolution was adopted.

Mr. Saunders read and laid on the table the following concurrent resolution, viz:

Resolved by the General Assembly of Kentucky:

That the United States Senators from Kentucky be elected by popular vote. And be it further

Resolved, That the proper committee draft a bill providing for an amendment of the constitution allowing the people to so vote

Mr. Humphreys moved the adoption of the following resolutions, viz:

Resolved, By the House of Representatives of the Commonwealth of Kentucky that our distinguished fellow-citizen, Wm. Jennings Bryan, of Nebraska, be invited to visit and address this House during its present session on a day to be fixed by him.

Resolved, That a committee of this House composed of three members be appointed to communicate with the Hon. Wm. Jennings Bryan and convey to him the invitation contained in the resolution of the House of Representatives.

Said resolution was adopted.

Whereupon the Speaker appointed as said Committee, Messrs. Humphreys, Myers and Depp.

Mr. Ogden asked leave to withdraw from the Committee on Kentucky Statutes, H. B. 16, entitled, "An act to regulate admission to the Bar," and asked to have same referred to the Committee on Judiciary.

So ordered.

The Speaker laid before the House the following reports, viz:

JANUARY 11, 1898.

Gentlemen of the General Assembly:

Complying with the provisions of section 159, of the Kentucky Statutes, I have the honor to transmit herewith copies of the reports of the monthly settlements between the Auditor and the Treasurer for each month from and including January, 1896, to December, 1897.

Respectfully,

CHAS. FINLEY,

Secretary of State.

HON. CHARLES FINLEY, Secretary of State:

DEAR SIR: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending January 31, 1896.

### BALANCE IN TREASURY JANUARY 31, 1896.

#### SINKING FUND.

Balance January 6, 1896 .....	\$113,683 94	
Receipts.....	18,090 75	
	<hr/>	
Expenditures.....		\$131,774 69

#### SCHOOL FUND.

Balance January 6, 1896 .....	\$39,880 66	
Receipts, including transfers .....	48,233 54	
	<hr/>	
	\$88,114 20	
Expenditures.....	11 10	
	<hr/>	
		88,103 10
		<hr/>
		\$219,877 79

#### GENERAL EXPENDITURE FUND.

Balance January 6, 1896 .....	\$ 169 78	
Receipts, less transfers .....	31,838 41	
	<hr/>	
	\$32,008 19	
Expenditures.....	36,961 30	
	<hr/>	
		4,953 11
		<hr/>
Balance in treasury January 31, 1896.....		\$214,924 68

Respectfully submitted this February 1, 1896.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending February 29, 1896.



## BALANCE IN TREASURY FEBRUARY 29, 1896.

## SINKING FUND.

Balance January 31, 1896 .....	131,774 69	
Receipts .....	29,119 53	
	<hr/>	\$160,894 22
Expenditures .....		

## SCHOOL FUND.

Balance January 31, 1896 .....	\$ 88,103 10	
Receipts, including transfers .....	127,775 06	
	<hr/>	
	\$215,878 16	
Expenditures .....	206,951 07	
	<hr/>	8,927 09

## GENERAL EXPENDITURE FUND.

Deficit January 31, 1896 .....	\$ 4,953 11	
Receipts, less transfers .....	134,576 16	
	<hr/>	
	\$129,623 05	
Expenditures .....	49,311 10	
	<hr/>	80,311 95
		<hr/>
Balance in Treasury, February 29, 1896 .....		\$250,133 26

Respectfully submitted this March 3, 1896.

F. H. JOHNSON.

Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State,

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending March 31, 1896.

## BALANCE IN TREASURY MARCH 31, 1896.

## SINKING FUND.

Balance February 29, 1896 .....	\$160,894.22	
Receipts .....	3,149.22	
	<hr/>	\$164,043.44
Expenditures .....		

## SCHOOL FUND.

Balance February 29, 1896 .....	\$ 8,927 09	
Receipts, including transfers.....	13,856 57	
	<hr/>	
	\$22,783 66	
Expenditures .....	781 88	
	<hr/>	
		22,001 78

## GENERAL EXPENDITURE FUND.

Balance February 29, 1896 .....	\$80,311 95	
Receipts, including transfers .....	38,111 61	
	<hr/>	
	\$118,423 56	
Expenditures.....	74,282 45	
	<hr/>	
		\$ 44,141 11
		<hr/>
Balance in Treasury March 31, 1896.....		\$230,186 33

Respectfully submitted this 3rd day April, 1896.

F. H. JOHNSON,

Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending April 30, 1896:

## BALANCE IN TREASURY APRIL 30, 1896.

## SINKING FUND.

Balance March 31, 1896.....	\$164,043 44	
Receipts and transfers.....	8,010 38	
	<hr/>	
	\$172,053 82	
Expenditures.....	<hr/>	
		\$172,053 82

## SCHOOL FUND.

Balance March 31, 1896.....	\$22,001 78	
Receipts, including transfers.....	27,635 90	
	<hr/>	
	\$49,637 68	
Expenditures.....	572 49	
	<hr/>	
		49,065 19
		<hr/>
		\$221,119 01

## GENERAL EXPENDITURE FUND.

Balance March 31, 1896.....	\$ 44,141 11	
Receipts, less transfers .....	52,114 07	
	<hr/>	
	\$ 96,255 18	
Expenditures.....	107,980 24	
	<hr/>	
Deficit.....		\$ 11,725 06
		<hr/>
Balance in treasury April 30, 1896.....		\$209,393 95

Respectfully submitted this 8th day of May, 1896,

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending 31st May, 1896.

## BALANCE IN TREASURY MAY 31, 1896.

## SINKING FUND.

Balance April 30, 1896.....	\$172,053 82	
Receipts.....	10,256 78	
	<hr/>	
	\$182,310 60	
Expenditures.....	12,190 00	
	<hr/>	
		\$170,120 60

## SCHOOL FUND.

Balance April 30, 1896.....	\$49,065 19	
Receipts, including transfers.....	22,348 06	
	<hr/>	
	\$71,413 25	
Expenditures.....	1,166 48	
	<hr/>	
		70,246 77
		<hr/>
		\$240,367 37

## GENERAL EXPENDITURE FUND.

Deficit April 30, 1896 .....	\$11,725 06	
Receipts, less transfers .....	38,664 79	
	<hr/>	
	\$26,939 73	
Expenditures.....	60,544 90	
	<hr/>	
Deficit .....	\$33,605 17	
	<hr/>	
		\$ 33,605 17
Balance in Treasury May 31, 1896.....		\$206,762 20

Respectively submitted this 3rd day June, 1896.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending June 30, 1896.

## BALANCE IN TREASURY JUNE 30, 1896.

## SINKING FUND.

Balance May 21, 1896 .....	\$170,120 60	
Receipts.....	5,770 94	
	<hr/>	
		\$175,891 54
Expenditures.....		

## SCHOOL FUND.

Balance May 31, 1896 .....	\$70,246 77	
Receipts.....	25,476 63	
	<hr/>	
	\$95,723 40	
Expenditures.....	2,340 10	
	<hr/>	
		93,383 30
		<hr/>
		\$269,274 84

## GENERAL EXPENDITURE FUND.

Deficit May 31, 1896.....	\$ 33,605 17	
Receipts, less transfers.....	324,040 83	
	<hr/>	
	\$290,435 66	
Expenditures.....	357,881 48	
	<hr/>	
Deficit.....		67,445 82
		<hr/>
Balance in treasury June 30, 1896.....		\$201,829 02

Respectfully submitted this 6th day of July, 1896,

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending July 31, 1896.

## BALANCE IN TREASURY, JULY 31, 1896.

## SINKING FUND.

Balance June 30, 1896.....	\$175,891 54	
Receipts and transfers.....	45,476 69	
	<hr/>	
	\$221,368 23	
Expenditures.....	69,377 90	
	<hr/>	
		\$151,990 33

## SCHOOL FUND.

Balance June 30, 1896.....	\$ 93,383 30	
Receipts and transfers.....	230,532 10	
	<hr/>	
	\$323,915 40	
Expenditures.....	210,581 98	113,333 42
		<hr/>
		\$265,323 75

## GENERAL EXPENDITURE FUND.

Deficit June 30, 1896.....	\$ 67,445 82	
Receipts, less transfers.....	225,566 32	
	<hr/>	
	\$158,120 50	
Expenditures.....	202,277 05	
	<hr/>	
Deficit.....		44,156 55
		<hr/>
Balance in Treasury July 31, 1896.....		\$221,167 20

Respectfully submitted this August 4, 1896.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending August 31, 1896.

## BALANCE IN TREASURY SEPTEMBER 1, 1896.

## SINKING FUND.

Balance July 31, 1896 .....	\$151,990 33	
Receipts.....	25,787 27	
	<hr/>	
Expenditures.....		\$177,777 60

## SCHOOL FUND.

Balance July 31, 1896.....	\$113,333 42	
Receipts.....	63,152 86	
	<hr/>	
	\$176,486 28	
Expenditures.....	62 30	
	<hr/>	
		\$176,423 98
		<hr/>
		\$354,201 58

## GENERAL EXPENDITURE FUND.

Deficit July 31, 1896.....	\$ 44,156 55	
Receipts.....	150,468 31	
	<hr/>	
	\$106,311 76	
Expenditures.....	241,531 83	
	<hr/>	
Deficit ...		\$135,220 07
		<hr/>
Balance in Treasury August 31, 1896.....		\$218,981 51

Respectfully submitted 3rd day of September, 1896.

F. H. JOHNSON,

Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending September 30, 1896.

## BALANCE IN TREASURY SEPTEMBER 30, 1896.

## SINKING FUND.

Balance August 31, 1896.....	\$177,777 60	
Receipts.....	33,529 86	
	<hr/>	
	211,307 46	
Expenditures.....	.....	
	<hr/>	
		\$211,307 46

## SCHOOL FUND.

Balance August 31, 1896.....	\$176,423 98	
Receipts.....	146,673 10	
	<hr/>	
	323,097 08	
Expenditures.....	1,096 29	
	<hr/>	
		322,000 79
		<hr/>
		\$533,308 25

## GENERAL EXPENDITURE FUND.

Deficit August 31, 1896.....	\$135,220 07	
Receipts.....	130,233 91	
	<hr/>	
	\$ 4,986 16	
Expenditures.....	\$160,822 44	
	<hr/>	
Deficit.....		165,808 60
		<hr/>
Balance in treasury September 30, 1896.....		\$367,499 65

Respectfully submitted, this 6th day of October, 1896,

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State treasury for the month ending October 31, 1896.

## BALANCE IN TREASURY OCTOBER 31, 1896.

## SINKING FUND.

Balance September 30, 1896.....	\$211,307 46	
Receipts.....	21,111 76	
	<hr/>	
Expenditures.....		\$232,419 22

## SCHOOL FUND.

Balance September 30, 1896.....	\$322,000 79	
Receipts .....	92,363 34	
	<hr/>	
	\$414,364 13	
Expenditures.....	\$329,120 05	
	<hr/>	
		85,244 08
		<hr/>
		\$317,663 30



## GENERAL EXPENDITURE FUND.

Deficit September 30, 1896.....	\$165,808 60	
Receipts.....	91,064 75	
	<hr/>	
Deficit.....	\$ 74,743 85	
Expenditures.....	225,349 03	
	<hr/>	
		\$300,092 88
		<hr/>
Balance in Treasury October 31, 1896.....	\$ 17,570 42	

Respectfully submitted this 10th day of November, 1896.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending November 30, 1896.

## BALANCE IN TREASURY NOVEMBER 30, 1896.

## SINKING FUND.

Balance October 31, 1896.....	\$232,419 22	
Receipts.....		
	<hr/>	
		\$232,419 22
Expenditures.....		

## SCHOOL FUND.

Balance October, 31, 1896.....	85,244 08	
Receipts.....	338,547 94	
	<hr/>	
	\$423,792 02	
Expenditures.....	328,736 23	
	<hr/>	
		95,055 79
		<hr/>
		\$327,475 01

## GENERAL EXPENDITURE FUND.

Deficit October 31, 1896.....	\$300,092 88	
Receipts.....	348,361 85	
	<hr/>	
	\$48,268 97	
Expenditures.....	222,003 28	
	<hr/>	
Deficit.....		\$173,734 31
		<hr/>
Balance in treasury November 30, 1896.....		\$153,740 70

Respectfully submitted this November 8, 1896.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending December 31, 1896.

## BALANCE IN TREASURY DECEMBER 31, 1896.

## SINKING FUND.

Balance November 30, 1896.....	\$232,419 22	
Receipts.....	209,354 15	
	<hr/>	
	\$441,773 37	
Expenditures.....	79,377 90	
	<hr/>	
		\$362,395 47

## SCHOOL FUND.

Balance November 30, 1896.....	\$ 95,055 79	
Receipts.....	651,843 55	
	<hr/>	
	\$746,899 34	
Expenditures.....	657,959 48	
	<hr/>	
		\$ 88,939 86
		<hr/>
		\$451,335 33

## GENERAL EXPENDITURE FUND.

Deficit November 30, 1896.....	\$173,734 31	
Receipts, less transfers.....	386,541 61	
	<u>\$212,807 30</u>	
Expenditures .....	216,794 94	
Deficit.....		<u>\$ 3,987 64</u>
Balance in treasury December 31, 1896.....		\$447,347 69

Respectfully submitted this 8th day of January, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State.

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending January 31, 1897.

## BALANCE IN TREASURY JANUARY 31, 1897.

## SINKING FUND.

Balance December 31, 1896.....	\$362,395 47	
Receipts.....	13,194 93	
	<u>\$375,590 40</u>	
Expenditures.....		<u>\$375,590 40</u>

## SCHOOL FUND.

Balance December 31, 1896.....	\$ 88,939 86	
Receipts.....	32,684 45	
	<u>\$121,624 31</u>	
Expenditures.....	165,386 98	
Deficit in school fund.....		<u>43,762 67</u>
		<u>\$331,827 73</u>

## GENERAL EXPENDITURE FUND.

Deficit December 31, 1896.....	\$ 3,987 64	
Receipts.....	64,110 81	
	<hr/>	
	\$ 60,123 17	
Expenditures.....	269,690 62	
	<hr/>	
Deficit in General Expenditures.....		\$209,567 45
Balance in Treasury January 31, 1897.....		<hr/> \$122,260 28

Respectfully submitted this 4th day of February, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending February 28. 1897.

## BALANCE IN TREASURY FEBRUARY 28, 1897.

## SINKING FUND.

Balance January 31, 1897.....	\$375,590 40	
Receipts.....	11,300 18	
	<hr/>	
	\$386,890 58	
Expenditures.....	<hr/>	
		<hr/> \$386,890 58

## SCHOOL FUND.

Balance January 31, 1897.....	\$ 43,762 67	
Receipts.....	42,903 20	
	<hr/>	
	\$ 859 47	
Expenditures.....	563 64	
	<hr/>	
		1,423 11
		<hr/> 385,467 47

## GENERAL EXPENDITURE FUND.

Deficit January 31, 1897.....	\$209,567 45	
Receipts, less transfers.....	68,756 05	
	<hr/>	
	\$140,811 40	
Expenditures.....	178,419 02	
	<hr/>	
Deficit.....		\$319,230 42
		<hr/>
Balance in Treasury February 28, 1897.....		\$ 66,237 05

Respectfully submitted this March 6, 1897,

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending March 31, 1897.

## BALANCE IN TREASURY MARCH 31, 1897.

## SINKING FUND.

Balance February 28, 1897.....	\$386,890 58	
Receipts.....	16,956 41	
	<hr/>	
	\$403,846 99	
Expenditures .....	<hr/>	
		\$403,846 99

## SCHOOL FUND.

Deficit February 28, 1897.....	\$ 1,423 11	
Receipts.....	62,986 15	
	<hr/>	
	\$61,563 04	
Expenditures.....	2,105 33	
	<hr/>	
		59,457 71

## GENERAL EXPENDITURE FUND.

Deficit February 28, 1897.....	\$319,230 42	
Receipts.....	130,248 36	
	<hr/>	
	\$188,982 06	
Expenditures.....	198,828 69	
	<hr/>	
Deficit.....		\$387,810 75
Balance in Treasury March 31, 1897.....		<hr/>
		\$ 75,493 95

Respectfully submitted this April 5, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I, herewith report to you a statement of the condition of the State Treasury for the month ending April 30, 1897.

## BALANCE IN TREASURY APRIL 30, 1897.

## SINKING FUND.

Balance March 31, 1897.....	\$403,846 99	
Receipts.....	8,853 41	
	<hr/>	
	\$412,700 40	
Expenditures.....	<hr/>	
		\$412,700 40

## SCHOOL FUND.

Balance March 31, 1897.....	\$ 59,457 71	
Receipts.....	21,029 39	
	<hr/>	
	80,487 10	
Expenditures.....	687 00	
	<hr/>	
		79,800 10

Jan. 13.

HOUSE OF REPRESENTATIVES.

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GENERAL EXPENDITURE FUND.

Deficit March 31, 1897.....	\$387,810 75	
Receipts.....	49,312 62	
	<hr/>	
	338,498 13	
Expenditures.....	89,982 96	
	<hr/>	
		\$428,481 09
		<hr/>
Balance in Treasury April 30, 1897.....		64,019 41

Respectfully submitted this 4th day of May, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending May 31, 1897.

BALANCE IN TREASURY MAY 31, 1897.

SINKING FUND.

Balance April 30, 1897.....	\$412,700 40	
Receipts.....	8,778 44	
	<hr/>	
	421,478 84	
Expenditures.....	10,000 00	
	<hr/>	
		\$ 411,478 84

SCHOOL FUND.

Balance April 30, 1897.....	\$79,800 10	
Receipts.....	38,625 13	
	<hr/>	
	\$118,425 23	
Expenditures.....	664 59	
	<hr/>	
		117,760 64
		<hr/>
		\$529,239 48

## GENERAL EXPENDITURE FUND.

Balance April 30, 1897.....	\$428,481 09	
Receipts.....	64,203 23	
	<hr/>	
	\$364,277 86	
Expenditures.....	42,147 55	
	<hr/>	
Deficit.....		\$406,425 41
		<hr/>
Balance in Treasury May 31, 1897...		\$122,814 07

Respectfully submitted this June 2nd, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending June 30th, 1897.

## BALANCE IN TREASURY JUNE 30, 1897.

## SINKING FUND.

Balance May 31, 1897.....	\$411,478 84	
Receipts.....	3,526 70	
	<hr/>	
	415,005 54	
Expenditures.....	69,925 54	
	<hr/>	
		\$345,080 00

## SCHOOL FUND.

Balance May 31, 1897.....	\$117,760 64	
Receipts.....	84,960 85	
	<hr/>	
	\$202,721 49	
Expenditures.....	167,294 53	
	<hr/>	
		35,426 96
		<hr/>
		\$380,506 96



## GENERAL EXPENDITURE FUND.

Deficit May 31, 1897.....	\$406,425 41	
Receipts.....	123,257 26	
	<hr/>	
	\$283,168 15	
Expenditures.....	85,376 91	
	<hr/>	
Deficit.....		368,545 06
		<hr/>
Balance in Treasury June 30, 1897.....	\$ 11,961 90	
Respectfully submitted this 2nd day July, 1897.		

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending July 31, 1897.

## BALANCE IN TREASURY JULY 31, 1897.

## SINKING FUND.

Balance June 30, 1897 .....	\$345,080 00	
Receipts.....	20,631 45	
	<hr/>	
	\$365,711 45	
Expenditures.....	5,093 62	
	<hr/>	
		\$360,617 83

## SCHOOL FUND.

Balance June 30, 1897.....	\$35,426 96	
Receipts .....	40,666 28	
	<hr/>	
	\$76,093 24	
Expenditures.....	1,259 97	
	<hr/>	
		74,833 27
		<hr/>
		\$435,451 10

## GENERAL EXPENDITURE FUND.

Deficit June 30, 1897.....	\$368,545 06	
Receipts.....	148,638 53	
	<u>\$219,906 53</u>	
Expenditures.....	58,488 89	
	<u></u>	\$278,395 42
Balance in Treasury July 31, 1897.....		\$157,055 68

Respectfully submitted this August 5, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending August 31, 1897.

## BALANCE IN TREASURY AUGUST 31, 1897.

## SINKING FUND.

Balance July 31, 1897.....	360,617 83	
Receipts.....	15,373 55	
	<u>\$375,991 38</u>	
Expenditures.....	13 50	
	<u></u>	375,977 88

## SCHOOL FUND.

Balance July 31, 1897.....	\$ 74,833 27	
Receipts.....	37,906 86	
	<u>\$112,740 13</u>	
Expenditures.....	903 12	
	<u></u>	111,837 01
		<u>\$487,814 89</u>

## GENERAL EXPENDITURE FUND.

Deficit July 31, 1897 .....	\$278,395 42	
Receipts.....	686,415 61	
	<hr/>	
	\$408,020 19	
Expenditures .....	617,390 77	
	<hr/>	
Deficit.....		209,370 58
		<hr/>
Balance in Treasury, August 31, 1897.....	\$278,444 31	

Respectfully submitted this September 8, 1897.

F. H. JOHNSON.

Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law I herewith report to you a statement of the condition of the State Treasury for the month ending September 30, 1897:

## BALANCE IN TREASURY SEPTEMBER 30, 1897.

## SINKING FUND.

Balance August 31, 1897.....	\$375,977 88	
Receipts.....	31,111 26	
	<hr/>	
	\$407,089 14	
Expenditures.....	29,584 20	
	<hr/>	
		\$377,504 94

## SCHOOL FUND.

Balance August 31, 1897.....	\$111,837 01	
Receipts.....	136,813 21	
	<hr/>	
	\$248,650 22	
Expenditures.....	556 22	
	<hr/>	
		\$248,094 00
		<hr/>
		\$625,598 94

## GENERAL EXPENDITURE FUND.

Deficit August 31, 1897 .....	\$209,370 58	
Receipts.....	242,645 57	
	<hr/>	
	\$ 33,274 99	
Expenditures.....	153,679 85	
	<hr/>	
Deficit.....		\$120,404 86
		<hr/>
Balance in treasury September 30, 1897.....		\$505,194 08

Respectfully submitted this 6th day of September, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending October 31, 1897.

## BALANCE IN TREASURY OCTOBER 31, 1897.

## SINKING FUND.

Balance September 30, 1897 .....	\$377,504.94	
Receipts .....	18,835.60	
	<hr/>	
	\$396,340 54	
Expenditures.....		
	<hr/>	
		\$396,340 54

## SCHOOL FUND.

Balance September 30, 1897 .....	\$248,094 00	
Receipts.....	82,954 13	
	<hr/>	
	\$331,048 13	
Expenditures.....	286,894 40	
	<hr/>	
		\$ 44,153 73
		<hr/>
		\$440,494 27

## GENERAL EXPENDITURE FUND.

Deficit September 30, 1897 .....	\$120,404	86	
Receipts.....	135,383	56	
	<hr/>		
	\$14,978	70	
Expenditures.....	300,140	64	
	<hr/>		
Deficit .....			285,161 94
	<hr/>		
Balance in Treasury October 31, 1897.....	\$155,332	33	

Respectfully submitted this 10th day November, 1897.

F. H. JOHNSON,

Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending November 30, 1897.

## BALANCE IN TREASURY NOVEMBER 30, 1897.

## SINKING FUND.

Balance October 31, 1897.....	\$396,340	54	
Receipts.....	75,912	18	
	<hr/>		
	472,252	72	
Expenditures.....	10,000	00	
	<hr/>		
			\$462,252 72

## SCHOOL FUND.

Balance October 31, 1897.....	\$ 44,153	73	
Receipts.....	334,130	42	
	<hr/>		
	\$378,284	15	
Expenditures.....	550,248	99	\$171,964 84
	<hr/>		
			\$290,287 88

## GENERAL EXPENDITURE FUND.

Deficit October 31, 1897.....	\$285,161	94	
Receipts.....	425,768	25	
	<hr/>		
	\$140,606	31	
Expenditures.....	271,418	94	
Deficit.....			\$130,812 63
	<hr/>		
Balance in treasury November 31, 1897.....			\$159,475 25

Respectfully submitted this December 8, 1897.

F. H. JOHNSON,  
Assistant Auditor.

HON. CHARLES FINLEY, Secretary of State:

Dear Sir: In compliance with the law, I herewith report to you a statement of the condition of the State Treasury for the month ending December 31, 1897.

## BALANCE IN TREASURY DECEMBER 31, 1897.

## SINKING FUND.

Balance November 30, 1897.....	\$462,252	72	
Receipts.....	134,576	33	
	<hr/>		
	\$596,829	05	
Expenditures.....	69,386	55	
	<hr/>		
			\$527,442 50

## SCHOOL FUND.

Deficit, November 30, 1897.....	\$171,964	84	
Receipts.....	671,100	70	
	<hr/>		
	\$499,135	86	
Expenditures.....	385,863	26	
	<hr/>		
			113,272 60

## GENERAL EXPENDITURE FUND.

Deficit November 30, 1897.....	\$130,812 63	
Receipts.....	772,476 01	
	<hr/>	
	\$641,663 38	
Expenditures.....	434,853 65	
	<hr/>	
		206,809 73
Balance in Treasury December 31, 1897.....		\$847,524 83

Respectfully submitted this January 10, 1898.

F. H. JOHNSON,  
Assistant Auditor.

Ordered that said reports be spread upon the Journal of the House.

Mr. Chinn, from the Committee on Judiciary, to whom the same had been referred, reported H. B. 40, entitled:

An act to regulate and reduce the salaries of certain State officials.

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be printed and read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being demanded thereon by Messrs. Conner and Humphreys were as follows, viz:

Those who voted in the affirmative were—

A. C. Brown,	J. H. Lackey,	W. H. Ragland,
J. L. Brown,	D. D. Lykins,	R. E. Richardson,
George H. Bishop,	J. M. Lee,	E. H. Read,
W. H. Cole,	Rueben Morris,	J. S. Robey,
Reuben Conner,	J. R. Mount,	F. G. Shepherd,
W. W. Combs,	J. J. Marquette,	J. A. Small,
T. W. Clark,	W. J. Mears,	Andrew Sargent,

W. T. Chilton,	R. C. Myers,	W. T. Sharp,
J. E. Cahill,	Noah Marsee,	O. P. Searcy,
John Collins,	John M. Moore,	Miles Spurlock,
J. B. Depp,	J. H. Minor,	G. B. Stout,
W. W. Gill,	W. A. Morris,	Ham. Shehan,
W. C. Holland,	J. Mc. Meloan,	B. F. Saunders,
C. W. Haverly,	M. F. North,	A. J. Thompson,
J. S. Hood,	Chas. Aaron Nelson,	South Trimble,
J. A. Humphreys,	Emmett Orr,	George Traver,
James M. Hall,	Michael O'Sullivan,	H. S. Vanzant,
J. H. Hall,	L. J. Owen,	L. E. Weatherford,
J. P. Haswell, Jr.,	Harry C. Pulliam,	C. A. Wilson,
W. B. Henderson,	E. Petty,	C. B. Wheeler,
Anderson Hatfield,	W. C. Pike,	R. C. Walker,
J. A. Ingram,	D. S. Powers,	David Woods,
J. P. Jeffries,	A. B. Pieratt,	Jas. H. Williams—71
R. C. Jarnagin,	L. C. Rawlings,	

Those who voted in the negative were—

M. Able,	Claude Desha,	F. May,
Bruce Adkins,	W. C. G. Hobbs,	Chas. F. Ogden,
T. H. Armstrong,	John T. Hinton,	V. Perkins,
B. W. Bradburn,	G. W. Hickman,	S. Atwood Smith,
A. H. Charlton,	Joseph F. Laufer,	• Waller Sharp,
W. H. Cooke,	John M. Letterle,	Frank M. Tracy,
J. C. Cantrill,	J. R. Mallory,	R. E. Watkins,
J. Morgan Chinn,	J. D. Mocquot,	J. D. Wills—26.
A. S. Denton,		

Ordered that said bill be printed, placed in the orders of the day and read the second time on some other day.

Mr. North, from the Committee on Propositions and Grievances, to whom the same had been referred, reported H. B. 4, entitled, "An Act to amend an act entitled 'an act for the protection of food fishes in certain waters in the State of Kentucky,'" with a substitute proposed for said bill by the Committee.



Said bill and substitute were read in full the first time.

Ordered that said bill and substitute be printed and placed in the orders of the day, and be read the second time on some other day.

The Committee to whom the same had been referred reported bills as follows, viz:

By Mr. Chilton, from the Committee on Claims:

H. B. 40. An act appropriating money to pay certain claims due the sheriffs and jailer of Menifee county, and directing the Auditor of Public Accounts to draw his warrant on the Treasurer of the State of Kentucky in favor of J. B. Lyons, sheriff, and W. Branham, deputy sheriff, and Thos. Greenwade, jailer.

By Mr. Mocquot, from the Committee on Codes of Practice:

H. B. 58. An act to amend section 579, Kentucky Code of Civil Procedure, and regulating the power of an officer taking depositions.

By same:

H. B. 59. An act repealing Section 601, Kentucky Code of Civil Procedure, and substituting therefor an act providing for the exclusion of witnesses from the courtroom during the trial of cases.

By same:

H. B. 66. An act to amend certain provisions of the Criminal Code of Practice concerning verdicts.

By same:

H. B. 67. An act to amend the provisions of the Criminal Code of Practice concerning judgments.

Said bills were severally read in full the first time, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

The House took from the orders of the day:

H. B. 22. Entitled an act to prohibit the marriage of first cousins.

Said bill was read the second time and ordered to be placed in the orders of the day and read the third time on some other day.

Mr. Charlton moved that the House adjourn until to-morrow at 11 o'clock A. M.

Said motion was adopted.

And then the House adjourned.

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FRIDAY JANUARY 14, 1898.

The House was opened with prayer by Rev. M. B. Adams of the Baptist church.

Mr. Speaker Beckham in the chair.

The journal of yesterday was read and approved.

Upon the call of counties for the introduction of bills the following were introduced and referred, viz:

By Mr. Cole:

H. B. 78. An act to amend section 1, chapter 84 of session acts of 1894. Referred to the Committee on Criminal Law.

By Mr. J. M. Hall;

H. B. 79. An act to abolish the State Board of Equalizers. Referred to the Committee on Revenue and Taxation.

By Mr. J. M. Hall:

H. B. 80. An act to tax the dogs of the State of Kentucky. Referred to the Committee on Revenue and Taxation.

By Mr. Bishop:

H. B. 81. An act to amend and re-enact section 3, of article 13 of an act entitled "An act relating to Revenue and Taxa-

tion" which became a law on November 11, 1892, and which is now section 4241 of the Kentucky Statutes. Referred to the Committee on Revenue and Taxation.

By Mr. Traver:

H. B. 82. An act to repeal in part chapter 1069 of the acts of 1867, approved January 22, 1867. Referred to the Committee on Internal Improvements.

By Mr. Sargent.

H. B. 83. An act to repeal chapter 40, of the acts of the General Assembly of the Commonwealth of Kentucky, published in the acts of 1891-92-93, page 63, approved by the Governor May 24, 1892, entitled "An act to regulate the travel or transportation of the white and colored passengers on the railroads of this State." Referred to the Committee on Railroads.

By Mr. Sargent:

H. B. 84. An act to extend the duties and liabilities of all common carriers in Kentucky. Referred to the Committee on Railroads.

By Mr. Sargent:

H. B. 85. An act to consolidate the offices of Sheriff and Jailer in each and every county in Kentucky. Referred to Committee on Judiciary.

By Mr. Sargent:

H. B. 86. An act proposing an amendment to the Constitution of Kentucky to authorize the General Assembly to allow convicts to be worked outside the walls of the penitentiary on the public roads and public buildings of the State. Referred to the Committee on Constitutional Amendment.

By Mr. Hobbs:

H. B. 87. An act to amend Section 28 of Article 6 of an act entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," relating to city jailers. Referred to Committee on Judiciary.

By Mr. A. C. Brown:

H. B. 88. An act to enlarge and extend the jurisdiction of the several Quarterly Courts in the State. Referred to the Committee on County and City Courts.

By Mr. Petty:

H. B. 89. An act to amend section 4058 of article 2 of chapter 108 of the acts of the General Assembly of Kentucky, entitled "Revenue and Taxation," approved November 11, 1892. Referred to the Committee on Revenue and Taxation.

By Mr. Weatherford:

H. B. 90. An act to regulate the repairing and building of school houses in this Commonwealth. Referred to the Committee on Education.

By Mr. Nelson:

H. B. 91. An act to prevent the cheap sale of delinquent taxes, etc. Referred to the Committee on Revenue and Taxation.

By Mr. Desha:

H. B. 92. An act to repeal sections 5 and 7 of an act entitled "An act to prevent lynching and injury to and destruction of real and personal property in the Commonwealth at the hands of mobs and other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions." Approved May 20, 1897. Referred to the Committee on Criminal Law.

By Mr. Desha:

H. B. 93. An act continuing the Kentucky State Dental Association and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth. Referred to the Committee on Public Health.

By Mr. Denton:

H. B. 94. An act to repeal section 1794 of Kentucky Statutes, and substituting section 1780 of Kentucky Statutes. Referred to Committee on Kentucky Statutes.

By Mr. Wilson:

H. B. 95. An act to amend and re-enact section 1899 of chapter 53 of the Kentucky Statutes. Referred to the Committee on Criminal Law.

By Mr. Wheeler:

H. H. 96. An act to amend section 1720, article 1, chapter 47 Kentucky Statutes relating to Clerk's fees. Referred to the Committee on Kentucky Statutes.

By Mr. Shepherd:

H. B. 97, An act to amend the charters of fourth class cities, an act entitled cities of the fourth class, section 3490, article 2. Approved June 28, 1893. Referred to the Committee on Municipalities.

By Mr. Shepherd:

H. B. 98. An act to provide for the permanent improvement of public roads in this State.

Referred to the Committee on Internal Improvements.

By Mr. Ingram:

H. B. 99. An act to amend an act entitled, "An act to provide an efficient system of Common Schools throughout the State." Approved July 6, 1893.

Referred to the Committee on Education.

By Mr. Mears:

H. B. 100. An act to amend section 4366, Kentucky Statutes.

Referred to the Committee on Education.

By Mr. Haverly:

H. B. 101. An act to amend section 1267, chapter 36, subdivision 3, Kentucky Statutes, relating to offenses against the Public Peace.

Referred to the Committee on Criminal Law.

By Mr. North:

H. B. 102. An act to repeal sections 5, 6, and 7 of an act entitled "An act to prevent lynching and injury to, and destruc-

tion of real and personal property in this Commonwealth at the hands of mobs and other riotous assemblages of persons; and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions." Approved May 20, 1897.

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H. B. 104. An act to prohibit the running at large of stock within the enclosure of any public school house within this Commonwealth. Referred to the Committee on Education.

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H. B. 105. An act to amend section 950, sub-division 2, article 1, chapter 35 Kentucky Statutes. Referred to the Committee on County and City Courts.

By Mr. Letterle:

H. B. 106. An act to incorporate the Mutual and Benevolent Police Union No. 1, of Kentucky. Referred to the Committee on Corporate Institutions.

By Mr. Letterle:

H. B. 107. An act to protect the people from real estate sharks. Referred to the Committee on Criminal Law.

By Mr. Ogden (by request):

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to fees," approved June 15, 1893. Referred to the Committee on Revenue and Taxation.

By Mr. Pulliam:

H. B. 110. An act to amend section 1946, chapter 57 of the Kentucky Statutes. Referred to the Committee on Warehouses and Granaries.

By Mr. S. Atwood Smith:

H. B. 111. An act to insure the better education of practitioners of horse-shoeing, and to regulate the practice of horse-shoeing in cities of the State of Kentucky having a population of 30,000 inhabitants or more. Referred to the Committee on Municipalities.

By Mr. Rawlings:

H. B. 112. An act to regulate Pawnbrokers and Pawn shops, in the State of Kentucky. Referred to Committee on Criminal Law.

By Mr. Mocquot:

H. B. 113. An act to amend an act approved April 5, 1892, entitled "An act concerning Champerty and Maintenance." Referred to the Committee on Kentucky Statutes.

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H. B. 114. An act to amend an act, approved December 3, 1892, entitled "An act concerning Construction of Statutes. Referred to the Committee on Kentucky Statutes.

By Mr. Chinn:

H. B. 115. An act to establish a uniform series of text books to be used in the public schools of this Commonwealth, and to reduce the price thereof. Referred to the Committee on Education.

By Mr. Chinn:

H. B. 116. An act to repeal charters of State Banks and other institutions of Loan and Discount. Referred to Committee on Banks and Banking.

By Mr. Mount:

H. B. 117. An act to regulate the sale and manufacture of liquor and wine and beverages in this State. Referred to the Committee on Judiciary.

By Mr. C. C. Morris:

H. B. 118. To amend section 1412 of articles 3, of an act entitled, "An act providing for the creation and regulation of Private Corporations," which became a law April 3, 1893, without the approval of the Governor. Referred to the Committee on Banks and Banking.

By Mr. W. A. Morris:

H. B. 119. An act to amend section 1412 of the acts of the General Assembly of the Commonwealth of Kentucky, entitled "Election." Approved June 30, 1892.

Referred to the Committee on Suffrage and Elections.

By Mr. Jarnagin:

H. B. 120. An act to regulate the pay of laborers in this Commonwealth.

Referred to Committee on Mines and Mining.

By Mr. Mount:

H. B. 121. An act to amend section 145 of the Constitution of Kentucky.

Referred to the Committee on Constitutional Amendments.

By Mr. Mount:

H. B. 122. An act to amend an act entitled, "An act to provide for an efficient system of Common Schools throughout the State." Approved July 6, 1893.

Referred to the Committee on Education.

By Mr. Cantrill:

H. B. 123. An act to amend and re-enact section 589 of an act entitled, "An act for the government of cities of the first



class." Approved July 1, 1893, the same being section 2974 of the Kentucky Statutes.

Referred to the Committee on Education.

By Mr. Cantrill:

H. B. 124. An act repealing section 2219 of chapter 72, of Kentucky Statutes, entitled "Interest and usury," and providing a penalty for usury.

Referred to the Committee on Ways and Means.

By Mr. Robey:

H. B. 125. An act to regulate the analysis of fertilizers within this Commonwealth.

Referred to the Committee on Agriculture and Manufactures.

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H. B. 126. An act to allow towns where no registration is required to hold separate elections.

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H. B. 127. An act to prohibit the sale of Oleomargarine or butterine as imitation of pure butter.

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H. B. 128. An act to amend section 1196 of Kentucky Statutes relating to hog stealing. Referred to the Committee on Criminal Law.

By Mr. Perkins:

H. B. 129. An act to repeal section 1312 of Kentucky Statutes relating to confession of judgment in penal cases. Referred to the Committee on Kentucky Statutes.

By Mr. Perkins:

H. B. 130. An act to amend section 1309 of Kentucky Statutes relating to carrying deadly weapons concealed. Referred to the Committee on Criminal Law.

By Mr. Perkins:

H. B. 131. An act to amend and re-enact sub-section 4 of 3637 Kentucky Statutes. Referred to Committee on Kentucky Statutes.

By Mr. May:

H. B. 132. An act entitled an act to amend and re-enact section 1085, article 2, chapter 35 of Kentucky Statutes, relating to time of holding magistrates courts. Referred to committee on county and city courts.

By Mr. Laufer:

H. B. 133. An act to regulate the practice of embalming in this Commonwealth. Referred to the Committee on Public Health.

The Speaker laid before the House the following communication and report from the Secretary of State, viz:

COMMONWEALTH OF KENTUCKY,  
OFFICE OF SECRETARY OF STATE,  
FRANKFORT, KY., January 13, 1898. }

Gentlemen of the General Assembly:

Section 878 of the Kentucky Statutes (section 272 of chapter 245, acts of 1891-2-3), provides as follows, viz.:

"All fees collected by the Secretary of State under this chapter shall be covered by him as soon as collected into the State Treasury; and so much thereof as may be necessary to defray the expenses incurred in the discharge of the duties imposed upon the Secretary of State, by virtue of any of the provisions of this act, shall be paid upon warrant of the Auditor to the Secretary of State. The Secretary of State shall report to each session of the General Assembly a statement of the amount received from licenses, fees or penalties under this act, and the amount expended by him, and he shall be allowed for his services under this act the sum of one thousand dollars, to be paid to him in monthly installments upon the warrant of the Auditor."

Complying with the requirements thereof, I have the honor to transmit herewith a statement of the receipts and expenditures of the Corporation Department from the sixth day of January, 1896, to the thirteenth day of January, 1898, inclusive, which is, at least, approximately correct.

I say "approximately correct" because while it is easy enough to state the exact receipts, the question whether certain expenditures should be charged to this department or to office of Secretary of State proper is an ever present one. This grows out of the peculiar relationship between the office of Secretary of State and the Corporation Department. To illustrate: The statements of an agent upon whom process may be served which corporations are required to make to the Secretary of State, are, under section 877, required to be recorded—but where? Presumably in the Corporation Department.

Section 878 provides that so much of the fees paid into this department as are necessary to defray the expenses incurred in the discharge of the duties imposed upon the Secretary of State by virtue of any of the provisions of this act shall be paid upon the warrant of the Auditor to the Secretary of State.

The latter section would seem to impose upon the Corporation Department the duty of providing the books in which these statements are to be recorded and the expense of paying for them.

Section 540, of the Kentucky Statutes, provides that the articles of incorporation shall be filed and recorded in the office of the Secretary of the State. File-boxes must be provided, and record books purchased to carry this into effect. And if we decide that the expense of procuring these comes within the intendment of the law-makers as one to be borne by the Corporation Department, we place the Corporation Department in the attitude of purchasing record books, etc., etc., for the office of the Secretary of State, proper. For these records are the property, not of the Corporation Department, which is charged with the duty of making and keeping them, but of the Secretary of State, proper.

The law provides that articles of incorporation filed and recorded in this department "or a certified copy thereof may be

used as evidence in any action for or against such corporation," (section 540 of Kentucky Statutes.) But who is to make the certified copy? Not the Corporation Department; it has no power to certify to anything. It can only be made under the seal of the Secretary of State, and the fee for same goes, not to the Secretary of State to be reported by him in his monthly statement to the Auditor; not to the credit of the Corporation Department to help pay its expenses and figure in the biennial report made to the General Assembly but to the Assistant Secretary of State.

These are only illustrations of the perplexities which grow out of the relations existing between the two departments, and are only a few of a great many. They are such as disincline the Secretary of State to dogmatize of this statement that it is absolutely correct. For if, by reason of some mistaken construction of the law, this department has paid some charge not by a true construction of the law chargeable to it, or if some expense has been taxed against it which some other department should have borne, then to that extent it is not accurate.

I believe, as I said at the outstart, however, that it is approximately correct.

In conclusion, I beg to suggest that some legislation is needed to place the Corporation Department in an attitude to do the work its originators intended it should do.

Respectfully,

CHARLES FINLEY,

Secretary of State.

#### RECEIPTS.

Balance in treasury as reported by my predecessor on	
January 6, 1896 .....	\$1,148 37
Received from one hundred and thirty State and private banks for quarter ending December 31, 1895, two dollars and fifty cents (\$2.50) each.....	325 00
Received from one hundred and seventy-five State banks for quarter ending March 31, 1896, two dollars and fifty cents (\$2.50) each.....	437 50

Received from one hundred and eighty-nine State and private banks for quarter ending June 30, 1896, two dollars and fifty cents, (\$2.50) each.....	\$472 50
Received from one hundred and seventy-one State banks for quarter ending September 30, 1896, two dollars and fifty cents (\$2.50) each.....	427 50
Received from one hundred and eighty-five State and private banks for quarter ending December 31, 1896, two dollars and fifty cents (\$2.50) each....	462 50
Received from one hundred and seventy-three State banks for quarter ending March 31, 1897, two dollars and fifty cents (\$2.50), each.....	432 50
Received from one hundred and ninety State and private banks for quarter ending June 30, 1897, two dollars and fifty cents (\$2.50) each.....	475 00
Received from one hundred and seventy-seven State banks for quarter ending September 30, 1897, two dollars and fifty cents (2.50) each.....	442 50
Received from one hundred and ninety-four State and private banks for quarter ending December 31, 1897, two dollars and fifty cents (\$2.50) each.....	485 00
Received from one hundred and forty-eight building and loan associations for annual reports made as of December 31, 1895, fee ten dollars (\$10) each,	1,480 00
Received from one hundred and thirty-nine building and loan associations for annual reports made as of December 31, 1896, fee ten dollars (\$10) each,	1,390 00
Received from Southern B. & L. Association for license to agent, February 5, 1896.....	25 00
Received from St. Louis National S. & L. Association for permission to do business and license for agent, August 12, 1897.....	50 00
Total receipts.....	<hr/> \$8,053 37

## EXPENDITURES.

Ed. O. Leigh, clerk hire from 6th to 31st of January, 1896.....	\$128 22
E. M. Headley, clerk hire from 6th to 31st of January, 1896.....	85 48
Ed. O. Leigh, clerk hire for month of February, 1896..	150 00
E. M. Headley, clerk hire for month of February, 1896.....	100 00
Ed. O. Leigh, clerk hire from 1st to 15th of March, 1896.....	100 00
E. M. Headley, rubber stamp.....	40
J. T. Freeman, clerk hire, from 16th to 21st of March, 1896 .....	75 00
E. H. Headley, clerk hire, from 1st to 22d of April, 1896 .....	73 45
Lena Mullen, clerk hire, from 22d to 30th of April, 1896 .....	26 67
J. T. Freeman, clerk hire, for month of April, 1896 ...	150 00
Lena Mullen, clerk hire, for month of May, 1896.....	100 00
J. T. Freeman, clerk hire, for month of May, 1896....	150 00
Lena Mullen, clerk hire, for month of June, 1896.....	100 00
J. T. Freeman, clerk hire, for month of June, 1896.....	150 00
Lena Mullen, clerk hire, from 1st to 15th of July, 1896	50 00
C. R. Hemphill, clerk hire, from 16th to 31st of July, 1896 .....	50 00
J. T. Freeman, clerk hire, for month of July, 1896.....	150 00
J. T. Freeman, clerk hire, for month of August, 1896	150 00
C. R. Hemphill, clerk hire, for month of August, 1896	100 00
J. T. Freeman, clerk hire, for month of September, 1896 .....	150 00
C. R. Hemphill, clerk hire, for month of September, 1896 .....	100 00
J. T. Freeman, clerk hire, for month of October, 1896	150 00
C. R. Hemphill, clerk hire, for month of October, 1896 .....	100 00

J. T. Freeman, clerk hire, for month of November, 1896 .....	\$150 00
C. R. Hemphill, clerk hire, for month of November, 1896 .....	100 00
J. T. Freeman, clerk hire, for month of December, 1896 .....	150 00
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J. T. Freeman, clerk hire, for month of February, 1897 .....	150 00
C. R. Hemphill, clerk hire, for month of February, 1897 .....	100 00
J. T. Freeman, clerk hire, for month of March, 1897 .....	150 00
C. R. Hemphill, clerk hire, for month of March, 1897 .....	100 00
J. T. Freeman, clerk hire for month of April, 1897...	150 00
C. R. Hemphill, clerk hire for month of April, 1897...	100 00
J. T. Freeman, clerk hire for month of May, 1897.....	150 00
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C. R. Hemphill, clerk hire for month of August, 1897 .....	100 00
J. T. Freeman, clerk hire for month of September, 1897 .....	150 00
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W. C. Holland,	M. F. North,	L. E. Weatherford,
C. W. Haverly,	Chas. Aaron Nelson,	C. A. Wilson,
J. S. Hood,	Emmett Orr,	C. B. Wheeler,
J. A. Humphreys,	Chas. F. Ogden,	R. E. Watkins,
W. C. G. Hobbs,	Michael O'Sullivan,	R. C. Walker,
J. H. Hall,	L. J. Owen,	David Woods,
John T. Hinton,	Harry C. Pulliam,	J. D. Wills,
J. P. Haswell, Jr.,	E. Petty,	Jas. H. Williams—80.
W. B. Henderson,		

Those who voted in the negative were—

John Collins,	Andrew Sargent,	W. T. Sharp. —4.
F. May,		

Said resolution as amended was then adopted.

Resolved, That said resolution be adopted and that the title thereof be as follows:

Resolution instructing our Congressmen to vote against the bill known as the "Anti-scalper Bill."

A message was received from the Senate announcing that they had adopted S. Res. 1, entitled

Resolution providing for the purchase of Official Manuals for the use of the members of the General Assembly, and for the distribution to certain officials.

Ordered that said resolution be referred to the Committee on Rules.

The House took from the Clerks desk H. Res. No. 5, entitled

Resolution providing for investigation of the penitentiaries of the State.

Mr. Haswell moved the following substitute for said resolution, viz.:

Resolved by the House of Representatives of Kentucky, the Senate concurring therein;

That the presiding officers of the House and Senate respectively, shall appoint a committee to consist of five members of

the House and three members of the Senate, the members of said committee from the House to consist of three Democrats and two Republicans, and the members of said committee from the Senate to consist of two Democrats and one Republican, which joint committee is hereby authorized and empowered to investigate the management, conduct and condition of the penitentiary at Frankfort and the penitentiary at Eddyville, including the contracts concerning the same made by the Board of Sinking Fund Commissioners and the operation and effect of such contracts and all other matters concerning said penitentiaries; to send for persons and papers, to summon, swear and examine witnesses and to employ such clerical assistance as may be necessary in their investigation.

Said joint committee will report the transcript of the testimony heard and their findings, together with such recommendations as they may desire to make to the Houses respectively.

The said committee is hereby ordered and directed to commence its investigation of said penitentiaries at the beginning of ex-Gov. Brown's administration and shall continue same from that time until the present, thoroughly investigating the said institutions under the administrations of both Gov. Brown and Gov. Bradley.

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Haswell and May, were as follows, viz:

Those who voted in the affirmative were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	D. S. Powers.
M. T. Freeman,	R. C. Jarnagin,	E. H. Read,
C. W. Haverly,	D. D. Lykins,	Andrew Sargent,
James M. Hall,	Reuben Morris,	W. T. Sharp,
J. H. Hall,	R. C. Myers,	H. S. Vanzant,
J. P. Haswell, Jr.,	Noah Marsee,	C. B. Wheeler,
Anderson Hatfield,	J. H. Minor,	David Woods—24.

Those who voted in the negative were—

M. Abele,	John T. Hinton,	A. B. Pieratt,
Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	R. E. Richardson,
A. C. Brown,	Joseph F. Laufer,	J. S. Robey,
J. L. Brown,	John M. Letterle,	S. Atwood Smith,
George H. Bishop,	J. M. Lee,	F. G. Shepherd,
Reuben Connor,	J. R. Mallory,	J. A. Small,
A. H. Charlton,	J. D. Mocquot,	O. P. Searcy,
W. W. Combs,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	J. J. Marquette,	G. B. Stout,
W. T. Chilton,	W. J. Mears,	Ham Shehan,
W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. C. Cantrill,	F. May,	A. J. Thompson,
J. E. Cahill,	W. A. Morris,	Frank M. Tracy,
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	George Traver,
Claude Desha,	Chas. Aaron Nelson,	L. E. Weatherford,
J. B. Depp,	Emmett Orr,	C. A. Wilson,
W. W. Gill,	Michael O'Sullivan,	R. E. Watkins,
W. C. Holland,	L. J. Owen,	R. C. Walker,
J. S. Hood,	Harry C. Pulliam,	J. D. Wills,
J. A. Humphries,	E. Petty,	Jas. H. Williams—71.
W. C. G. Hobbs,	W. C. Pike,	

Said resolution was then adopted.

The yeas and nays being demanded thereon by Messrs. Haswell and Chinn were as follows, viz:

Those voting in the affirmative were—

M. Abele,	John T. Hinton,	V. Perkins,
Bruce Adkins,	W. B. Henderson,	A. B. Pieratt,
T. H. Armstrong,	G. W. Hickman,	L. C. Rawlings,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,

A. C. Brown,	Joseph F. Laufer,	R. E. Richardson,
J. L. Brown,	John M. Letterle,	J. S. Robey,
George H. Bishop,	J. M. Lee,	S. Atwood Smith,
Reuben Conner,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. D. Mocquot,	J. A. Small,
W. W. Combs,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	W. J. Mears,	G. B. Stout,
W. H. Cook,	John M. Moore,	Ham Shehan,
J. C. Cantrill,	F. May,	B. F. Saunders,
J. E. Cahill,	W. A. Morris,	A. J. Thompson,
J. Morgan Chinn,	J. Mc. Meloan,	Frank M. Tracy,
A. S. Denton,	M. F. North,	South Trimble,
Claude Desha,	Chas. Aaron Nelson,	George Traver,
J. B. Depp,	Emmett Orr,	L. E. Weatherford,
W. W. Gill,	Michael O. Sullivan,	C. A. Wilson,
W. C. Holland,	L. J. Owen,	R. E. Watkins,
J. S. Hood,	Harry C. Pulliam,	R. C. Walker,
J. A. Humphreys,	E. Petty,	J. D. Wills,
W. C. G. Hobbs,	W. C. Pike.	Jas. H. Williams—72

Those voting in the negative were—

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	D. S. Powers,
M. T. Freeman,	R. C. Jarnagin,	E. H. Read.
C. W. Haverly,	D. D. Lykins,	Andrew Sargent,
James M. Hall,	Reuben Morris,	W. T. Sharp,
J. H. Hall,	R. C. Myers,	H. S. Vanzant,
J. P. Haswell, Jr.,	Noah Marsee,	C. B. Wheeler,
Anderson Hatfield,	J. H. Minor,	David Woods—24.

Resolved that said resolution be adopted and that the title thereof be as aforesaid.

Mr. Charlton moved to reconsider the vote by which resolution was adopted, and that said motion be laid on the table.

Said motion was adopted.

Mr. Trimble moved the adoption of the following resolution, viz:

Resolved, That the Speaker of this House appoint a committee to consist of five Republicans to investigate the conduct and management of the Penitentiaries under the administration of Governor Brown.

Said resolution was adopted.

Mr. Charlton moved that the House adjourn until to-morrow morning at 11 o'clock.

Said motion was adopted.

And then the House adjourned.

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SATURDAY, JANUARY 15, 1898.

The House was opened with prayer by Rev. M. B. Adams, of the Baptist Church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was read and approved.

The House took from the clerk's desk a resolution heretofore offered by Mr. Saunders in relation to election by the people of United States Senators from Kentucky.

Said resolution was declared to be out of order.

The House took from the clerk's desk H. Res. 7, entitled:

Resolution in regard to Internal Revenue Laws.

Said resolution was read the second time and adopted.

Mr. Nelson, from the Committee on Education, to which the same had been referred, reported:



H. B. 46. An act to amend section 4444, chapter 113, article 8 of the Kentucky Statutes, entitled "Common Schools."

With the expression of opinion that it should not pass.

Said bill was read in full the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the Committee to the contrary, notwithstanding it was decided in the negative.

So said bill was rejected.

The committees to whom the same had been referred reported bills and resolutions as follows, viz:

By Nelson, from the Committee on Education:

H. B. 75. An act to amend section 4434, article 8, of the Kentucky Statutes, entitled "District Trustees."

By same:

H. B. 90. An act to regulate the repairing and building of school houses in this Commonwealth.

By Mr. Mallory, from the Committee on Kentucky Statutes:

H. B. 2. An act to repeal an act entitled "An act for the protection of purchasers, lessees, and encumbrancers of real estate," approved March 17, 1896.

By same:

H. B. An act to amend section 969, subdivision 2, article 2, chapter 35, Kentucky Statutes.

By same:

H. B. 54. An act to amend section 2326, Kentucky Statutes, and providing the number of days' notice a tenant shall be entitled to.

By same:

H. B. 64. An act to amend section 2976, Kentucky Statutes, relating to fees of jurors.

By same:

H. B. 68. An act to amend section 2246, Kentucky Statutes, and to re-enact said section as amended.

By Mr. Cantrill, from Committee on Ways and Means:

H. B. 124. An act repealing section 2219 of chapter 72, of Kentucky Statutes, entitled, "Interest and usury," and providing a penalty for usury.

By Mr. Perkins from Committee on County and City Courts:

H. B. 57. An act to amend section 1086 Kentucky Statutes, and regulating the jurisdiction of Justices of the Peace in civil actions.

By Mr. Mallory from the Committee on Criminal Law:

H. B. 35. An act to amend and re-enact section 1155 of the Kentucky Statutes, as to the protection of young girls.

By Same:

H. B. 26. An act to require owners of dams across certain streams in this Commonwealth to construct and keep in repair fish roads or ladders over said dams.

By Mr. Lackey from the Committee on Public Health:

H. B. 18. An act to prevent butchers and other persons from selling, or offering for sale for food the flesh of any animal, dying otherwise than by slaughter, or when known to be diseased when slaughtered.

By Mr. Hobbs, from the Committee on Rules:

S. Res. 1. Resolution providing for the purchase of official manuals for the use of the members of the General Assembly, and for distribution to certain officials.

Which bills and resolution were severally read the first time in full, ordered to be printed, and ordered to be placed in the orders of the day, and read the second time on some other day.

Mr. Mallory, from the Committee on Kentucky Statutes, to whom the same had been referred, reported:

H. B. 62. An act entitled, "An Act to protect Hotel, Inn, and Boarding-house Keepers."

With a substitute proposed by the Committee for said bill.

Said bill and substitute were read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Mallory, from the Committee on Criminal Laws, to whom the same had been referred, reported :

H. B. 74. An act to amend section 1208, chapter 36, subdivision 11 of the Kentucky Statutes, entitled, "Obtaining money or property by false pretenses."

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding it was decided in the negative.

So said bill was rejected.

Mr. Cahill was granted indefinite leave of absence.

Mr. Mallory from the committee on Criminal Law, to whom the same had been referred, reported.

H. B. 73. An act to amend section 1304 of the Kentucky Statutes entitled "Selling without license."

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time the opinion of the committee to the contrary notwithstanding it, was decided in the affirmative.

Ordered that said bill be printed and placed in the orders of the day and read the second time on some other day.

The House took from the orders of the day.

H. B. 22. An act to prohibit the marriage of first cousins.

Mr. Trimble proposed an amendment to said bill.

Mr. Williams proposed an amendment to said bill.

Mr. Pulliam moved to recommit said bill to the committee on Propositions and Grievances.

Said motion was adopted.

Mr. Charlton moved that the House adjourn.

Said motion was adopted.

And then the House adjourned.

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JANUARY 17, 1898.

The House was opened with prayer. Rev. Thomas Major of the Catholic Church.

Mr. Speaker Beckham in the Chair.

The Journal of Saturday was approved.

The House took from the order of the day.

H. B. 75. An act to amend section 4434, article 8 of Kentucky Statutes, entitled "District Trustees."

Ordered that said bill be recommitted to the Committee on Education.

The House took from the orders of the day.

H. B. 67. An act to amend the provisions of the Criminal Code of Practice concerning judgments.

Ordered that said bill be recommitted to the Committee on Codes of Practice.

Mr. S. Atwood Smith, from the Committee on Municipalities, to whom the same had been referred, reported:

H. B. 14. An act to amend section 10 of an act entitled "an

act to amend an act entitled 'an act for the government of cities of the first-class,' approved March 21, 1894.

Said bill was read the first time in full and recommitted to the Committee on Municipalities.

The committees to whom the same had been referred, reported bills as follows, viz:

By Mr. S. Atwood Smith, from the Committee on Municipalities:

H. B. 76. An act concerning the salaries of officers of towns of the sixth class.

By Mr. Mallory, from the Committee on Criminal Law:

H. B. 52. An act defining embezzlement, and providing a penalty therefor.

By same:

H. B. 128. An act to amend section 1196 of Kentucky Statutes, relating to hog stealing.

By Mr. Mallory, from the Committee on Kentucky Statutes:

H. B. 129. An act to repeal section 1312 of Kentucky Statutes, relating to confession of judgment in penal cases.

Said bills were severally read the first time in full, ordered to be printed and placed in the orders of the day and read a second time on some other day.

Mr. North, from the Committee on Propositions and Grievances, to whom the same had been recommitted, reported:

H. B. 22. An act to prohibit the marriage of first cousins.

With a substitute proposed for said bill by the committee.

Said substitute was adopted.

Ordered, that said bill be read the third time as follows, viz:

An Act to Prohibit the Marriage of First Cousins:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it shall be unlawful for first cousins, that is to say, the children of two brothers, or two sisters, or a brother and sister, to marry, knowing such relationship to exist.

Sec. 2. That it shall be the duty of all County Clerks to inquire of all applicants for marriage license whether or not such relationship exists, and may require a statement upon oath in relation thereto.

Sec. 3. All laws in conflict herewith are hereby repealed.

Sec. 4. That this act shall be in force and effect within ninety days after the adjournment of the General Assembly.

The question being taken on the passage of said bill as amended it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bruce Adkins,	James M. Hall,	W. H. Ragland,
J. L. Brown,	J. A. Ingram,	S. Atwood Smith,
George H. Bishop,	Joseph F. Laufer,	F. G. Shepherd,
A. H. Charlton,	J. R. Mount,	W. T. Sharp,
W. W. Combs,	J. J. Marquette,	G. B. Stout,
T. W. Clark,	R. C. Myers,	Ham. Shehan,
W. T. Chilton,	Noah Marsee,	B. F. Saunders,
W. H. Cooke,	John M. Moore,	Frank M. Tracy,
J. Morgan Chinn,	W. A. Morris,	South Trimble,
John Collins,	M. F. North,	George Traver,
J. B. Depp,	Harry C. Pulliam,	C. B. Wheeler,
M. T. Freeman,	E. Petty,	David Woods,
W. W. Gill,	D. S. Powers,	J. D. Wills,
C. W. Haverly,	V. Perkins,	Jas. H. Williams—44
J. A. Humphreys,	L. C. Rawlings,	

Those who voted in the negative were—

A. C. Brown,	J. M. Lee,	A. B. Pieratt,
W. H. Cole,	J. R. Mallory,	E. R. Richardson,

J. C. Cantrill,	J. D. Mocquot,	E. H. Read,
A. S. Denton,	Rueben Morris,	J. S. Robey,
W. C. Holland,	W. J. Mears,	Andrew Sargent,
J. S. Hood,	W. H. McKee,	O. P. Searcy,
W. C. G. Hobbs,	F. May,	Miles Spurlock,
J. P. Haswell, Jr.,	J. H. Minor,	A. J. Thompson,
W. B. Henderson,	J. Mc. Meloan,	H. S. Vanzant,
G. W. Hickman,	Chas. Aaron Nelson,	L. E. Weatherford,
Anderson Hatfield,	Chas. F. Ogden,	C. A. Wilson,
J. P. Jeffries,	L. J. Owen,	R. E. Watkins,
J. H. Lackey,	W. C. Pike,	R. C. Walker—40.
D. D. Lykins,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

H. B. 60 and H. B. 6 were withdrawn.

Mr. Mallory, from the Committee on Criminal Law, to whom the same had been referred, reported bills of the following titles:

H. B. 71. An act to amend section 1319 of the Kentucky Statutes, entitled, "Profane swearing and drunkenness."

H. B. 101. An act to amend section 1267, chapter 36, subsection 3 Kentucky Statutes, relating to offenses against the public peace.

H. B. 23. An act to prohibit persons from setting fire to any woods, fence, grass, straw, or other thing capable of spreading fire on the land of another.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the Committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Mr. Mallory, from the Committee on Criminal law, to whom the same had been referred, reported:

H. B. 72. An act to repeal chapter 53, of the Kentucky Statutes, and enact into one all the acts and parts of acts relating to the taking or catching of fish from the waters of the State of Kentucky.

With a substitute proposed therefor by the Committee.

Said bill and substitute were read the first time in full, ordered to be printed, placed in the orders of the day and read the second time on some other day.

Mr. Charlton from the Committee on Warehouses and Granaries, reported:

H. B. 110. An act to amend section 1946, chapter 57, of the Kentucky Statutes.

Without an expression of opinion.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day and read the second time on some other day.

A message was received from the Senate announcing that they had concurred in H. R. 3. Resolution fixing a day for the election of State Librarian.

The Committee on Codes of Practice originated:

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice regulating the competency of witnesses in civil actions, and to declare an emergency.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day and read the second time on some other day.

The House took from the orders of the day bills of the following titles:

H. B. 40. An act to regulate and reduce the salaries of certain State officials.

H. B. 66. An act to amend certain provisions of the Criminal Code of Practice concerning verdicts.



H. B. 4. An act to amend an act entitled an act for the protection of food fishes in certain waters in the State of Kentucky.

H. B. 59. An act repealing section 601 Kentucky Code of Civil Procedure, and substituting therefor an act providing for the exclusion of witnesses from the court-room during the trial of cases.

H. B. 70. An act appropriating money to pay certain claims due the sheriffs and jailor of Menifee county, and directing the Auditor of Public Accounts to draw his warrant on the Treasurer of the State of Kentucky in favor of J. B. Lyons, sheriff, W. Branham, deputy sheriff, and Thos. Greenwade, jailor.

H. B. 58. An act to amend section 579, Kentucky Code of Civil Procedure, and regulating the power of an officer in taking depositions.

Which bills were severally read the second time and placed in the orders of the day.

Mr. Pulliam moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

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TUESDAY, JANUARY 18, 1898.

The House was opened with prayer by Rev. Thos. S. Major, of the Catholic Church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills the following were introduced and referred as follows, viz:

By Mr. Minor:

H. B. 135. An act to prevent the driving of ducks, geese, turkeys, etc., along the public roads without being branded.

Referred to the Committee on Criminal Law.

By Mr. Haswell:

H. B. 136. An act to prohibit the sale, barter or loan of any intoxicating beverage, liquid mixture or decoction in the local option districts of this State, and providing a penalty therefor.

Referred to the Committee on Criminal Law.

By Mr. Henderson:

H. B. 137. An act prohibiting ball playing on the Sabbath, and providing a punishment therefor.

Referred to the Committee on Public Morals.

By Mr. Meloan:

H. B. 138. An act to amend section 830 of chapter 32, subdivision 3, title "Corporations, Private" of Kentucky Statutes, and to give Railroad Commissioners power to speedily condemn unsafe tracks, structures or equipments.

Referred to the Committee on Railroads.

By Mr. Walker:

H. B. 139. An act enlarging and further defining the duties of the Commissioner of Agriculture as to public roads.

Referred to the Committee on Agriculture and Manufacturers.

By Mr. Watkins:

H. B. 140. An act to amend and re-enact chapter 40, article 1, section 1409 of the Kentucky Statutes, relating to drifts, logs, timber.

Referred to the Committee on Kentucky Statutes.

By Mr. Watkins:

H. B. 141. An act to amend and re-enact section 1951, chapter 57 of Kentucky Statutes, relating to "game and birds."

Referred to the Committee on Criminal Law.

By Mr. Hobbs:

H. B. 142. An act requiring the appointment of at least one woman physician in certain institutions in this Commonwealth.

Referred to the Committee on Judiciary.

By Mr. Hobbs:

H. B. 143. An act to repeal and re-enact section 31, article 5 of an act entitled "An act for the government of cities of the second class in this Commonwealth," relating to city clerks.

Referred to the Committee on Municipalities.

By Mr. Humphreys:

H. B. 144. An act to regulate suits for damages against railroad companies or common carriers, and to add attorneys' fees to judgment in said suits.

Referred to the Committee on Railroads.

By Mr. Humphreys:

H. B. 145. An act to abolish the office of Commonwealth's Attorney, and amending article 4 of an act entitled "An act concerning attorneys at law, attorney general, attorney for the Commonwealth," approved October 10, 1892, and prescribing the duties, fees and emoluments of attorney for counties.

Referred to the Committee on Judiciary.

By Mr. Weatherford:

H. B. 146. An act to encourage the planting of trees and improving school grounds.

Referred to the Committee on Education.

By Mr. Wilson:

H. B. 147. An act prohibiting toll-gate keepers from keeping dogs.

Referred to the Committee on Propositions and Grievances.

By Mr. Wheeler:

H. B. 148. An act to amend section 273 Civil Code of Practice, relating to injunctions.

Referred to the Committee on Codes of Practice.

By Mr. Wheeler:

H. B. 149. An act to amend and re-enact section 829 Kentucky Statutes.

Referred to the Committee on Railroads.

By Mr. Wheeler:

H. B. 150. An act to amend and re-enact section 816 and 819 Kentucky Statutes.

Referred to the Committee on Railroads.

By Mr. Wheeler:

H. B. 151. An act to prevent railroads, telegraph, telephone, bridge or common carrier companies from consolidating their capital stock, or pooling their earnings, and prescribing penalties therefor.

Referred to the Committee on Railroads.

By Mr. Means:

H. B. 152. An act concerning the writing of policies of fire insurance.

Referred to the Committee on Insurance.

By Mr. North:

H. B. 153. An act to amend section 1697, sub-division 1, article 15, chapter 46, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. North:

H. B. 154. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to classes to which they belong," approved September 30, 1892, and being section 2740, article 1, chapter 89 Kentucky Statutes.

Referred to the Committee on Classification of Cities and Towns.

By Mr. North:

H. B. 155. An act to amend section 99, article 1, chapter 8 of the Kentucky Statutes.

Referred to the Committee on Judiciary.

By Mr. Ogden:

H. B. 156. An act entitled an act concerning attachments against property of insolvent persons or corporations.

Referred to Committee on Corporations.

By Mr. S. Atwood Smith:

H. B. 157. An act to provide cheap text-books for the pupils of the common schools of Kentucky.

Referred to the Committee on Education.

By Mr. Charlton:

H. B. 158. An act to regulate convict labor in this State.

Referred to the Committee on State Prisons and House of Reform.

By Mr. Charlton:

H. B. 159. An act creating a Bureau of Labor, defining its duties and appropriating money for its maintenance.

Referred to the Committee on Immigration and Labor.

By Mr. Combs:

H. B. 160. An act to repeal subsection 8 of section 606 of Civil Code of Practice, and declaring an emergency.

Referred to the Committee on Codes of Practice.

By Mr. Combs:

H. B. 161. An act to regulate the liabilities of life insurance companies doing business in Kentucky.

Referred to the Committee on Insurance.

By Mr. Cahill:

H. B. 162. An act for the benefit of sheriffs of Kentucky.

Referred to the Committee on Kentucky Statutes.

By Mr. Mocquot:

H. B. 163. An act to provide for the rebuilding of the workshops in the Eddyville penitentiary and to declare an emergency.

Referred to the Committee on State Prisons and House of Reform.

By Mr. Mocquot:

H. B. 164. An act to amend section 3251, Kentucky Statutes.

Referred to the Committee on Municipalities.

By Mr. Williams:

H. B. 165. An act to amend section 147 of the present Constitution of Kentucky, relating to suffrage and elections.

Referred to the Committee on Constitutional Amendments.

By Mr. Orr:

H. B. 166. An act to regulate the sale of leaf tobacco in the public markets of Kentucky.

Referred to the Committee on Agriculture and Manufactures.

By Mr. Orr:

H. B. 167. An act to amend section 1460 of the Kentucky Statutes, relating to election laws.

Referred to the Committee on Suffrage and Elections.

By Mr. Hatfield:

H. B. 168. An act to amend and re-enact sections 4308 and 4310 of Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Hatfield:

H. B. 169. An act to amend an act entitled "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

Referred to the Committee on Education.

By Mr. Saunders:

H. B. 170. An act to regulate the pay of laborers in this Commonwealth.

Referred to the Committee on Mines and Mining.

By Mr. Saunders:

H, B. 171. An act to make women eligible to the office of school trustee and members of the Board of Education, and to empower women to vote in elections for such officers.

Referred to the Committee on Education.

By Mr. Cooke:

H. B. 172. An act to regulate the business of foreign corporations, etc.

Referred to the Committee on Corporations.

By Mr. Perkins:

H. B. 173. An act to classify the town of Providence in Webster county as a town of the fifth class.

Referred to the Committee on Classification of Cities and Towns.

By Mr. Petty:

H. B. 174. An act to amend an act, entitled "An Act to provide free turnpikes and gravel roads."

Referred to the Committee on Internal Improvements.

By Mr. Tracy:

H. B. 175. An act to amend section 3119 Kentucky Statutes, said section being section 14, article 5 of an act entitled, "An Act for the government of cities of the second class in the Commonwealth of Kentucky."

Referred to the Committee on Municipalities.

By Mr. Conner:

H. B. 176. An act to amend an act entitled, "An Act relating to the Asylums for the Insane and Institution for Feeble-minded Children supported by the State." Approved March 10, 1894.

Referred to the Committee on Charitable Institutions.

By Mr. J. M. Hall:

H. B. 177. An act entitled, "An act to establish and maintain a uniform system of free turnpikes, plank and gravel roads in every county in the State of Kentucky.

Referred to the Committee on Internal Improvements,

By Mr. J. M. Hall:

H. B. 178. An act to restore the defacements on and further protect the grave of Daniel Boone in the Frankfort Cemetery.

Referred to the Committee on Public Offices and Library.

By Mr. Ragland:

H. B. 179. An act to amend an act, approved March 16, 1894, entitled, "An act relating to voluntary assignments."

Referred to the Committee on Judiciary.

By Mr. Mallory:

H. B. 180. An act entitled an act to amend chapter 46, article 15, subdivision 2, sections 1702, 1703 and 1704 of Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Trimble:

H. B. 181. An act requiring persons and corporations and associations owning and operating street cars to provide for the well-being of their employes.

Referred to the Committee on Corporations.

By Mr. J. M. Hall:

H. B. 182. An act to amend and re-enact chapter 35, article 2, subdivision 1, section 965 of Kentucky Statutes, the same being an act entitled, "An act to divide the State of Kentucky into Circuit Court Judicial Districts, the same being section 17, article 2, chapter 221, Session Acts 1891-92-93.

Referred to the Committee on Circuit Courts,

By Mr. Lackey:

H. B. 183. An act to establish a medical school in connection with the A. and M. College of Kentucky.



Referred to the Committee on A. and M. College.

The Speaker laid before the House the following communication, viz:

STATE COLLEGE OF KENTUCKY, }  
LEXINGTON, KY., January 15, 1898. }

MR. SPEAKER BECKHAM:

DEAR SIR: The committee having the matter in charge is to-day issuing to each member of the Legislature an invitation to be present at the dedication of the State College Natural History building. The Governor will deliver an address on that occasion.

These dedicatory exercises are to be held in the evening, beginning at 8 o'clock. The laboratories of the building will be formally opened during the afternoon of the same day; also the Chemical, Physical and Mechanical Laboratories will be open for inspection.

The President and all connected with the college will be highly gratified, if the body over which you preside can find it convenient to visit us on that occasion. Negotiations are now pending with the railroads to secure special rates and a special train from Frankfort to Lexington and return on the day of the dedication.

Before completing arrangements we await advices from you.

We will arrange time of train to suit wishes of majority.

In behalf, then, of the President, who is at present confined to his room with a broken limb, and as chairman of the Committee on Dedication, I have this day the honor of inviting you, and through you, the House of Representatives, to be present with us Friday, January 21. Very respectfully,

ARTHUR M. MILLER,  
Chairman of the Committee on Dedication.

Said invitation was received and accepted.

The Speaker laid before the House the following communication from the Auditor, viz:

STATE OF KENTUCKY,  
OFFICE AUDITOR OF PUBLIC ACCOUNTS, }  
FRANKFORT, KY., January 17, 1898.

HON. J. C. W. BECKHAM, Speaker House of Representatives:

Sir: In accordance with the resolution passed by the House of Representatives, on January 14, 1898, which resolution is hereto attached, I enclose the list of clerks in this office, their residences, and the amount paid each for his services.

Respectfully,

SAM. H. STONE,  
Auditor.

STATE OF KENTUCKY,  
OFFICE AUDITOR OF PUBLIC ACCOUNTS, }  
FRANKFORT, KY.

AUDITOR'S CLERKS.

Names.	Residences.	Salary Per Month.
Samuel R. Smith.....	Frankfort, Ky.....	\$150 00
M. H. Thatcher.....	Morgantown, Ky.....	125 00
Samuel Bennett.....	Richmond, Ky.....	125 00
G. L. Roberts.....	Frankfort, Ky, .....	125 00
G. L. Barnes.....	Bowling Green, Ky .....	125 00
W. L. McClintock.....	Paris, Ky.....	125 00
C. M. Randell.....	London, Ky.....	125 00
C. S. Lambert.....	Covington, Ky.....	100 00
J. S. Cox.....	Flemingsburg, Ky.....	100 00
W. H. Cutton.....	McKee, Ky.....	100 00
H. C. Murray.....	Frankfort, Ky.....	100 00

Summary: One clerk at \$150.00 per month, \$1,800.00 per year.

Six clerks at \$125.00 per month, \$9,000.00 per year.

Four clerks at \$100.00 per month, \$4,800.00 per year.

Total paid, \$15,600.00 per year.

Referred to the Committee on Retrenchment and Reform.

Mr Charlton read and laid on the table the following concurrent resolution, viz.:

"Resolved by the General Assembly of the Commonwealth of Kentucky; That during the present session of the General Assembly the Governor shall be allowed the services of one messenger to be named by him."

Mr. Humphreys moved the adoption of the following resolution, viz.:

Resolved that the State Auditor be directed to furnish each member of this House without unnecessary delay a written statement of all money paid into the treasury during the fiscal year ending in 1897, arriving from judgments for fines and forfeitures rendered in favor of the Commonwealth in the several courts in this State.

Said motion was adopted.

Mr. Chinn moved the adoption of the following resolution, viz.:

Resolved, That the Sergeant-at-Arms of the House purchase each day 150 copies of the Louisville Dispatch, containing the proceedings of the House, for the use of the members thereof. The cost of them to be certified to the Auditor for payment as a contingent expense of the General Assembly.

Mr. Williams moved to amend said resolution so that the Sergeant-at-arms shall purchase for each Republican member a Republican paper.

Said amendment was rejected.

Mr. Mount moved to lay said resolution on the table.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Chinn and Desha were as follows, viz.:

Those voting in the affirmative were:

J. L. Brown,	J. A. Ingram,	L. J. Owen,
W. H. Cole,	J. P. Jeffries,	W. C. Pike,
W. W. Combs,	R. C. Jarnagin,	D. S. Powers,

W. T. Chilton,  
 John Collins,  
 A. S. Denton,  
 J. B. Depp,  
 M. T. Freeman,  
 W. W. Gill,  
 W. C. Holland,  
 C. W. Haverly,  
 J. S. Hood,  
 James M. Hall,  
 John T. Hinton,  
 J. P. Haswell, Jr.,  
 Anderson Hatfield,

J. H. Lackey,  
 D. D. Lykins,  
 Reuben Morris,  
 J. R. Mount,  
 W. J. Mears,  
 R. C. Myers,  
 Noah Marsee,  
 John M. Moore,  
 F. May,  
 J. H. Minor,  
 J. Mc. Meloan,  
 Chas. F. Ogden,

A. B. Pieratt,  
 E. H. Read,  
 J. S. Robey,  
 Andrew Sargent,  
 W. T. Sharp,  
 O. P. Searcy,  
 Ham Shehan,  
 H. S. Vanzant,  
 L. E. Weatherford,  
 C. B. Wheeler,  
 R. C. Walker,  
 David Wood—46.

Those voting in the negative were:

M. Abele,  
 Bruce Adkins,  
 George H. Bishop,  
 Reuben Conner,  
 A. H. Charlton,  
 T. W. Clark,  
 W. H. Cooke,  
 J. C. Cantrill,  
 J. E. Cahill,  
 J. Morgan Chiun,  
 Claude Desha,  
 J. A. Humphreys,  
 W. C. G. Hobbs,  
 W. B. Henderson,  
 G. W. Hickman,  
 Joseph F. Laufer,

John M. Letterle,  
 J. M. Lee,  
 J. R. Mallory,  
 J. D. Mocquot,  
 J. J. Marquette.  
 W. H. McKee,  
 W. A. Morris,  
 M. F. North,  
 Chas. Aaron Nelson,  
 Emmett Orr,  
 Michael O'Sullivan,  
 Harry C. Pulliam,  
 E. Petty,  
 V. Perkins,  
 L. C. Rawlings,  
 W. H. Ragland,

R. E. Richardson,  
 S. Atwood Smith,  
 F. G. Shepherd,  
 Miles Spurlock,  
 G. B. Stout,  
 B. F. Saunders,  
 A. J. Thompson,  
 Frank M. Tracy,  
 South Trimble,  
 George Traver,  
 C. A. Wilson,  
 R. E. Watkins,  
 J. D. Wills,  
 Jas. H. Williams,  
 S'p'r Beckham—47

So said motion was rejected.

Mr. Mallory moved the previous question.

Said motion was adopted.

Said resolution was then rejected.

The yeas and nays being demanded thereon by Messrs. Haswell and Jarnagin were as follows, viz :

Those who voted in the affirmative were—

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	Joseph F. Laufer,	W. H. Ragland,
George H. Bishop,	John M. Letterle,	R. E. Richardson,
Reuben Conner,	J. R. Mallory,	S. Atwood Smith,
A. H. Charlton,	J. R. Mount,	F. G. Shepherd,
W. W. Combs,	W. H. McKee,	B. F. Saunders,
T. W. Clark,	W. A. Morris,	A. J. Thompson,
W. H. Cooke,	M. F. North,	Frank M. Tracy,
J. C. Cantrill,	Chas. Aaron Nelson,	South Trimble,
J. E. Cahill,	Emmett Orr,	C. A. Wilson,
J. Morgan Chinn,	Michael O'Sullivan,	R. E. Watkins,
Claude Desha,	Harry C. Pulliam,	J. D. Wills,
J. A. Humphreys,	E. Petty,	Jas. H. Williams,
W. C. G. Hobbs,	V. Perkins,	S'p'r Beckham—42

Those who voted in the negative were—

J. L. Brown,	R. C. Jarnagin,	D. S. Powers,
W. H. Cole,	J. H. Lackey,	A. B. Pieratt,
W. T. Chilton,	D. D. Lykins,	E. H. Read,
John Collins,	J. M. Lee,	J. S. Robey,
A. S. Denton,	J. D. Mocquot,	Andrew Sargent,
J. B. Depp,	Reuben Morris,	W. T. Sharp,
M. T. Freeman,	J. J. Marquette,	O. P. Searcy,
W. W. Gill,	W. J. Mears,	Miles Spurlock,
W. C. Holland,	R. C. Myers,	G. B. Stout,
C. W. Haverly,	Noah Marsee,	Ham. Shehan.
J. S. Hood,	John M. Moore,	George Traver,
John T. Hinton,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	L. E. Weatherford,
W. B. Henderson,	J. Mc. Meloan,	C. B. Wheeler,

Anderson Hatfield,	Chas. F. Ogden,	R. C. Walker,
J. A. Ingram,	L. J. Owen,	David Woods—50.
J. P. Jeffries,	W. C. Pike,	

So said resolution was rejected.

Mr. Searcy moved the adoption of the following resolution, viz:

Whereas, It has come to the notice of the members of this General Assembly that the monument marking the last resting place of Daniel Boone and wife is gradually being destroyed by curiosity-seekers and the sacriligious bands of relic-hunting vandals, be it

Resolved, That a committee of three members be appointed by the Speaker to investigate the matter and report to this House the best method of preventing further destruction of the monument, and whether or not it is proper to erect a new one, and what appropriation, would in their opinion, be necessary to do so, and build an iron fence around same for its protection.

Said resolution was adopted.

The Speaker appointed as said committee Messrs. Searcy, Charlton and Jarnagin.

The committee to whom the same had been referred, reported bills as follows, viz:

By Mr. Mocquot, from the committee on Judiciary:

H. B. 11. An act to abolish the office of Register of the Land Office and consolidate with the office of Auditor of Public Accounts.

By Mr. Meloan from the committee on Railroads:

H. B. 47. An act to amend section 822 of chapter 32, article 5, subdivision 3, title corporations, private, of the Kentucky Statutes, relating to expense of Railroad Commissioners.

By Mr. Nelson, from the committee on Education:

H. B. 122. An act to amend an act entitled "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

By same :

H. B. 48. An act to repeal an act entitled, "An act to organize and establish a system of graded schools in Madisonville, Hopkins county," approved April 16, 1888.

By Mr. S. Atwood Smith :

H. B. 49. An act to change the name of the town of Dawson City.

By same :

H. B. 103. An act to repeal an act entitled, "An act to exclude Crab Orchard Springs from Crab Orchard."

By same :

H. B. 14. An act to amend section 10 of an act entitled, "An act to amend an act entitled an act for the government of cities of the first class," approved March 23, 1894.

Which bills were severally read the first time in full, ordered to be printed, placed in the orders of the day and read the second time on some other day.

Mr. Mocquot, from the committee on Judiciary, to whom the same had been referred, reported :

H. B. 85. An act to consolidate the offices of sheriff and jailer in each and every county in Kentucky.

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

Mr. Sargent moved to recommit said bill to the committee on Judiciary.

Said motion was rejected,

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Meloan, from the committee on Railroads, to whom the same had been referred, reported :

H. B. 55. An act providing for the transportation of bicycles as baggage by all railroads operating in the Commonwealth of Kentucky.

Without an expression of opinion.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Meloan, from the Committee on Railroads, reported:

H. B. 84. An act to extend the duties and liabilities of all common carriers in Kentucky.

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time the opinion of the committee to the contrary, notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Meloan, for the Committee on Railroads, to whom it had been referred, reported:

H. B. 83. An act to repeal chapter 40 of the acts of the General Assembly of the Commonwealth of Kentucky, published in the acts of 1891-92-93, page 63, approved by the Governor May 24, 1892, entitled "An act to regulate the travel or transportation of the white and colored passengers on the railroads of this State."

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time the opinion of the committee to the contrary, notwithstanding, it was decided in the negative.

The yeas and nays being demanded thereon by Messrs. Haswell and Jarnagin were as follows, viz.:



## Those voting in the affirmative were—

John Collins,	R. C. Jarnagin,	D. S. Powers,
M. T. Freeman,	D. D. Lykins,	V. Perkins,
C. W. Haverly,	Reuben Morris,	E. H. Read,
J. S. Hood,	R. C. Myers,	Andrew Sargent,
James M. Hall,	Noah Marsee,	W. T. Sharp,
J. P. Haswell, Jr.,	F. May,	H. S. Vanzant,
Anderson Hatfield,	J. H. Minor,	C. B. Wheeler,
J. A. Ingram,	Chas. F. Ogden,	David Woods—25.
J. P. Jeffries,		

## Those who voted in the negative were—

M. Abele,	G. W. Hickman,	A. B. Pieratt,
Bruce Adkins,	J. H. Lackey,	L. C. Rawlings,
J. L. Brown,	Joseph F. Laufer,	W. H. Ragland,
George H. Bishop,	John M. Letterle,	R. E. Richardson,
Reuben Connor,	J. M. Lee,	J. S. Robey,
A. H. Charlton,	J. R. Mallory,	S. Atwood Smith,
W. W. Combs,	J. D. Mocquot,	F. G. Shepherd,
T. W. Clark,	J. R. Mount,	O. P. Searcy,
W. T. Chilton,	J. J. Marquette,	Miles Spurlock,
W. H. Cooke,	W. J. Mears,	G. B. Stout,
J. C. Cantrill,	John M. Moore,	Ham Shehan,
J. E. Cahill,	W. H. McKee,	B. F. Saunders,
J. Morgan Chinn,	W. A. Morris,	A. J. Thompson,
A. S. Denton,	J. Mc. Meloan,	Frank M. Tracy,
Claude Desha,	M. F. North,	South Trimble,
J. B. Depp,	Chas. Aaron Nelson,	George Traver,
W. W. Gill,	Emmett Orr,	L. E. Weatherford,
W. C. Holland,	Michael O'Sullivan,	C. A. Wilson,
J. A. Humphries,	L. J. Owen,	R. E. Watkins,
W. C. G. Hobbs,	Harry C. Pulliam,	R. C. Walker,
John T. Hinton,	E. Petty,	J. D. Wills,
W. B. Henderson,	W. C. Pike,	Jas. H. Williams—66

So said bill was rejected.

The House took from the orders of the day:

H. Res. 1. Resolution providing for the purchase of official manuals for the use of the members of the General Assembly, and for distribution to certain officials.

Said resolution was read the second time.

The House took from the orders of the day:

H. B. 40. An act to regulate and reduce the salaries of certain State officials.

Mr. Weatherford moved a substitute for said bill.

Ordered that said bill be recommitted to the Committee on Judiciary.

The House took from the orders of the day:

H. B. 59. An act repealing section 601 of Kentucky Code of Civil Procedure, and substituting therefor an act providing for the exclusion of witnesses from the court room during the trial of cases.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

H. B. 59. An act repealing section 601 Kentucky Civil Code of Procedure, and substituting therefor an act providing for the exclusion of witnesses from the court room during the trial of cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: That section 601 Kentucky Civil Code of Practice be repealed and the following substituted therefor:

Section 601. Before any testimony is offered, upon the request of any party to the proceeding, the Judge shall exclude from the court room all witnesses that have been subpoenaed or are expected to testify, and if any witness shall remain with knowledge that he is to be called to testify, he shall by reason of this fact be disqualified from testifying at any time during the trial. Provided,

however, that nothing in this section shall be construed as requiring the exclusion from the court room of any of the parties to the proceeding, or officers of the court.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz :

Those who voted in the affirmative were—

M. Abele,	W. B. Henderson,	V. Perkins,
Bruce Adkins,	G. W. Hickman,	A. B. Pieratt,
J. L. Brown,	Anderson Hatfield,	L. C. Rawlings,
George H. Bishop,	J. A. Ingram,	W. H. Ragland,
Reuben Conner,	J. H. Lackey,	R. E. Richardson,
A. H. Charlton,	D. D. Lykins,	S. Atwood Smith,
W. W. Combs,	Joseph F. Laufer,	F. G. Shepherd,
T. W. Clark,	John M. Letterle,	W. T. Sharp,
W. H. Cooke,	J. M. Lee,	O. P. Searcy,
J. E. Cahill,	J. D. Mocquot,	Miles Spurlock,
J. Morgan Chinn,	Rueben Morris,	G. B. Stout,
John Collins,	J. J. Marquette,	Ham. Shehan,
A. S. Denton,	John M. Moore,	B. F. Saunders,
Claude Desha,	F. May,	A. J. Thompson,
J. B. Depp,	W. A. Morris,	Frank M. Tracy,
M. T. Freeman,	J. Mc. Meloan,	South Trimble,
W. W. Gill,	M. F. North,	George Traver,
W. C. Holland,	Chas. Aaron Nelson,	L. E. Weatherford,
C. W. Haverly,	Michael O'Sullivan,	C. A. Wilson,
J. A. Humphreys,	L. J. Owen,	C. B. Wheeler,
W. C. G. Hobbs,	E. Petty,	R. E. Watkins,
James M. Hall,	W. C. Pike,	David Woods,
John T. Hinton,	D. S. Powers,	Jas. H. Williams—70
J. P. Haswell, Jr.,		

Those who voted in the negative were—

W. H. Cole,	J. R. Mount,	Chas. F. Ogden,
W. T. Chilton,	W. J. Mears,	E. H. Read,

J. S. Hood,  
J. P. Jeffries,  
R. C. Jarnagin,  
J. R. Mallory,

R. C. Myers,  
Noah Marsee,  
W. H. McKee,  
J. H. Minor,

J. S. Robey,  
Andrew Sargent,  
H. S. Vanzant,  
R. C. Walker—18.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 4. An act to amend an act entitled, "An act for the protection of food fishes in certain waters of the State of Kentucky."

Mr. Williams moved that said bill be re-committed to the Committee on Propositions and Grievances.

Said motion was adopted.

The House took from the orders of the day:

H. B. 66. An act to amend certain provisions of the Criminal Code of Practice concerning verdicts.

Mr. Mocquot moved that the further consideration of said bill be postponed, and that the same be made a special order for 11:30 o'clock, Wednesday, January 19, 1898.

Said motion was adopted.

The House took from the orders of the day:

H. B. 58. An act to amend section 579 Kentucky Code of Civil Procedure, and regulating the power of an officer in taking depositions.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows:

H. B. 58. An act to amend section 579 Kentucky Code of Civil Practice, and regulating power of an officer in taking depositions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 579 of the Kentucky Code of Civil Practice be amended so as to read:

Section 579. The officer before whom a deposition is taken shall decide summarily all objections as to form of questions. He shall have power to prevent insulting questions being put to a witness, and stop a course of interrogation pursued unreasonably long and for mere vexation or delay.

The yeas and nays being required thereon, by a provision of the Constitution, were as follows, viz :

Those voting in the affirmative were—

M. Abele,	G. W. Hickman,	V. Perkins,
Bruce Adkins,	Anderson Hatfield,	A. B. Pieratt,
J. L. Brown,	J. A. Ingram,	L. C. Rawlings,
George H. Bishop,	J. H. Lackey,	W. H. Ragland,
W. H. Cole,	Joseph F. Laufer,	J. S. Robey,
Reuben Conner,	John M. Letterle,	S. Atwood Smith,
A. H. Charlton,	J. M. Lee,	F. G. Shepherd,
W. W. Combs,	J. D. Mocquot,	Andrew Sargent,
T. W. Clark,	Reuben Morris,	W. T. Sharp,
W. T. Chilton,	J. R. Mount,	O. P. Searcy,
W. H. Cook,	J. J. Marquette,	Miles Spurlock,
J. C. Cantrill,	W. J. Mears,	G. B. Stout,
J. E. Cahill,	John M. Moore,	Ham. Shehan,
John Collins,	W. H. McKee,	B. F. Saunders,
A. S. Denton,	F. May,	A. J. Thompson,
Claude Desha,	J. H. Minor,	Frank M. Tracy,
J. B. Depp,	W. A. Morris,	South Trimble,
W. C. Holland,	J. Mc. Meloan,	George Traver,
J. S. Hood,	M. F. North,	L. E. Weatherford,
J. A. Humphreys,	Michael O'Sullivan,	C. A. Wilson,
W. C. G. Hobbs,	L. J. Owen,	C. B. Wheeler,
James M. Hall,	Harry C. Pulliam,	R. E. Watkins,
John T. Hinton,	E. Petty,	J. D. Wills,
J. P. Haswell, Jr.,	W. C. Pike,	Jas. H. Williams—74
W. B. Henderson,	D. S. Powers.	

Those who voted in the negative were—

C. W. Haverly,	R. C. Myers,	E. H. Read,
J. P. Jeffries,	Noah Marsee,	H. S. Vanzant,
R. C. Jarnagin,	Chas. Aaron Nelson,	R. C. Walker,
D. D. Lykins,	Chas. F. Ogden,	David Woods—14.
J. R. Mallory,	R. E. Richardson,	

Resolved, that said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had concurred in H. Res. 7, entitled:

Resolution in regard to Internal Revenue Law.

Mr. Mocquot, from the Committee on Judiciary, to whom the same had been referred, reported:

H. B. 127. An act to prohibit the sale of oleomargarine or butterine as imitation of pure butter.

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Nelson, from the Committee on Education, to whom the same had been re-committed, reported:

H. B. 75. An act to amend section 4434, article 8 of the Kentucky Statutes, entitled "District Trustees."

With a substitute proposed therefor by the committee.

Ordered that said bill be printed, placed in the orders of the day and read the second time on some other day.

Mr. Laufer moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

WEDNESDAY JANUARY 19, 1898.

The House was opened with prayer by Rev. Thos. S. Major, of the Catholic church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Mr. Nelson, from the Committee on Education, to whom the same had been referred, reported:

H. B. 43. An act to amend and re-enact section 4443 of article 8, of chapter 113 of Kentucky Statutes (being section 79 of the common school law of 1896), of an act to provide for an efficient system of common schools throughout this State.

With a substitute proposed therefor by the committee.

Said bill and substitute were read the first time in full, ordered to be printed, placed in the order of the day, and read the second time on some other day.

Mr. Orr, from the Committee on Revenue and Taxation, to whom the same had been referred, reported:

H. B. 29. An act to repeal chapter 1562 of the Session Acts of 1887-8, entitled "An act to establish a State Board of Equalization and Assessments in this Commonwealth, also the act amendatory thereof, Session Acts 1839-90, and also article 16 of chapter 103 of the Kentucky Statutes,"

Without an expression of opinion.

Said bill was read the first time, ordered to be printed, placed in the order of the day, and read the second time on some other day.

The Committee to whom the same had been referred, reported bills as follows, viz:

By Mr. Orr, from the Committee on Revenue and Taxation:

H. B. 80. An act to tax dogs of the State of Kentucky.

By Mr. Perkins, from the Committee on County and City Courts:

H. B. 88. An act to enlarge and extend the jurisdiction of the several Quarterly Courts in the State,

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to their second reading, the opinion of the Committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

The committees to whom the same had been referred, reported bills as follows, viz.:

By Mr. Perkins, from the Committee on County and City Courts:

H. B. 105. An act to amend section 950, sub-division 2, article 1, chapter 35, Kentucky Statutes.

By Mr. Mallory, from the Committee on Criminal Law.

H. B. 102. An act to repeal sections 5, 6 and 7, of an act entitled "An act to prevent lynching and injury to and destruction of real and personal property in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions," approved May 30, 1897.

By Mr. Desha, from the Committee on Corporations:

H. B. 9. An act to prevent discrimination of corporation or individuals against members of labor organizations, and providing penalties for the violation of this act.

Which bills were severally read the first time in full, ordered to be printed, and read the second time on some other day.



A message was received from the Senate announcing that they had concurred in

H. Res. 5. Resolution directing our Congressmen to vote against what is known as the anti-scalpers bill.

The committees to whom the same had been referred reported bills as follows:

By Mr. Mallory, from the Committee on Criminal Law:

H. B. 44. An act to amend section 1944 of chapter 57 of the Kentucky Statutes, entitled "Game and birds."

By Mr. Walker, from the Committee on Suffrage and Elections:

H. B. 56. An act to amend section 1439 Kentucky Statutes, and specifying the hours within which elections shall be held.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to their second reading, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Mr. Traver moved to reconsider the vote by which the House on yesterday rejected the resolution directing the Sergeant-at-Arms to purchase one hundred and fifty copies daily of the Louisville Dispatch, which contain an account of the proceedings of this House.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Haswell and Ogden, were as follows:

Those who voted in the affirmative were—

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	Joseph F. Laufer,	W. H. Ragland,
T. H. Armstrong,	John M. Letterle,	R. E. Richardson,

J. L. Brown,  
George H. Bishop,  
Reuben Conner,  
A. H. Charlton,  
W. W. Combs,  
T. W. Clark,  
W. T. Chilton,  
W. H. Cooke,  
J. C. Cantrill,  
J. E. Cahill,  
J. Morgan Chinn,  
A. S. Denton,  
Claude Desha,  
W. C. Holland,  
J. A. Humphreys,  
W. C. G. Hobbs,

J. M. Lee,  
J. R. Mallory,  
J. R. Mount,  
J. J. Marquette,  
W. J. Mears,  
W. A. Morris,  
M. F. North,  
Chas. Aaron Nelson,  
Emmett Orr,  
Michael O'Sullivan,  
Harry C. Pulliam,  
E. Petty,  
W. C. Pike,  
V. Perkins,  
A. B. Pieratt,

S. Atwood Smith,  
F. G. Shepherd,  
O. P. Searcy,  
Miles Spurlock,  
G. B. Stout,  
B. F. Saunders,  
A. J. Thompson,  
Frank M. Tracy,  
South Trimble,  
George Traver,  
C. A. Wilson,  
R. E. Watkins,  
J. D. Wills,  
Jas. H. Williams,  
Spkr. Beckham—55.

Those who voted in the negative were—

W. H. Cole,  
John Collins,  
J. B. Depp,  
M. T. Freeman,  
C. W. Haverly,  
J. S. Hood,  
James M. Hall,  
J. H. Hall,  
John T. Hinton,  
J. P. Haswell, Jr.,  
W. B. Henderson,  
Anderson Hatfield,  
J. A. Ingram,

J. P. Jeffries,  
R. C. Jarnagin,  
J. H. Lackey,  
D. D. Lykins,  
J. D. Mocquot,  
Reuben Morris,  
R. C. Myers,  
Noah Marsee,  
John M. Moore,  
F. May,  
J. H. Minor,  
J. Mc. Meloan,  
Chas. F. Ogden,

L. J. Owen,  
D. S. Powers,  
E. H. Read,  
J. S. Robey,  
Andrew Sargent,  
W. T. Sharp,  
Ham. Shehan.  
H. S. Vanzant,  
L. E. Weatherford,  
C. B. Wheeler,  
R. C. Walker,  
David Woods—38.

So said motion was adopted.

The question being then taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being demanded thereon by Messrs. Haswell and Sargent were as follows, viz :

Those voting in the affirmative were :

M. Able,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	Joseph F. Laufer,	W. H. Ragland,
T. H. Armstrong,	John M. Letterle,	R. E. Richardson,
J. L. Brown,	J. M. Lee,	S. Atwood Smith,
Geo. H. Bishop,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	J. R. Mount,	O. P. Searcy,
A. H. Charlton,	J. J. Marquette,	Miles Spurlock,
W. W. Combs,	W. J. Mears,	G. B. Stout,
T. W. Clark,	W. A. Morris,	B. F. Saunders,
W. T. Chilton,	M. F. North,	A. J. Thompson,
W. H. Cooke,	Chas. Aaron Nelson,	Frank M. Tracy,
J. C. Cantrill,	Emmett Orr,	South Trimble,
J. E. Cahill,	Michael O'Sullivan,	George Traver,
J. Morgan Chinn,	Harry C. Pulliam,	C. A. Wilson,
A. S. Denton,	E. Petty,	R. E. Watkins,
Claude Desha,	W. C. Pike,	J. D. Wills,
W. C. Holland,	V. Perkins,	James H. Williams,
J. A. Humphreys,	A. B. Pieratt,	Spkr. Beckham—55.
W. C. G. Hobbs,		

Those who voted in the negative were—

W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	D. S. Powers,
J. B. Depp,	J. H. Lackey,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	J. S. Robey,
C. W. Haverly,	J. D. Mocquot,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	W. T. Sharp,
James M. Hall,	R. C. Myers,	Ham. Shehan,
J. H. Hall,	Noah Marsee,	H. S. Vanzant,
John T. Hinton,	John M. Moore,	L. E. Weatherford,
J. P. Haswell, Jr.,	F. May,	C. B. Wheeler,

W. B. Henderson,	J. H. Minor,	R. C. Walker,
Anderson Hatfield,	J. Mc. Meloan,	David Wood—41.
J. A. Ingram,		

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

The hour of 11:30 o'clock a. m. having arrived, the House took up for consideration the special order for that hour, viz:

H. B. 66. An act to amend certain provisions of the Criminal Code of Practice concerning verdicts.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

An act to amend certain provisions of the Criminal Code of Practice concerning verdicts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: That section 257, and sub-sections 1, 2 and 3, of said section; section 258 and section 259 of title 6, chapter 6, of the Criminal Code of Practice be, and they are hereby, repealed, and in lieu thereof the following sections are enacted:

Section 257. General verdict defined: A general verdict—

(1) Upon a plea of guilty is "guilty."

(2) Upon a plea of not guilty, is "guilty" or not "guilty," fixing the offense and the degree of the offense.

(3) Upon a plea of former acquittal or conviction, is "for the Commonwealth," or, "for defendant," and, if for the Commonwealth, fixing the offense, and degree of the offense.

Sec. 259. Special verdict defined: A special verdict is a finding of the facts only, leaving the law arising on the facts to the judgment of the court.

All laws in conflict herewith are hereby repealed.

The yeas and nays being required thereon, by a provision of the Constitution, were as follows, viz:

## Those who voted in the affirmative were—

W. H. Cooke,	R. C. Myers,	Andrew Sargent,
John Collins,	Noah Marsee,	W. T. Sharp,
C. W. Haverly,	F. May,	Frank M. Tracy,
J. S. Hood,	Chas. F. Ogden,	C. B. Wheeler,
Joseph F. Laufer,	Harry C. Pulliam,	Jas. H. Williams—17
J. D. Mocquot,	E. H. Read,	

## Those who voted in the negative were—

M. Abele,	W. B. Henderson,	W. C. Pike,
Bruce Adkins,	G. W. Hickman,	D. S. Powers,
T. H. Armstrong,	Anderson Hatfield,	V. Perkins,
J. L. Brown,	J. A. Ingram,	A. B. Pieratt,
George H. Bishop,	J. P. Jeffries,	L. C. Rawlings,
W. H. Cole,	R. C. Jarnagin,	W. H. Ragland,
Reuben Conner,	J. H. Lackey,	R. E. Richardson,
A. H. Charlton,	D. D. Lykins,	J. S. Robey,
W. W. Combs,	John M. Letterle,	S. Atwood Smith,
T. W. Clark,	J. M. Lee,	F. G. Shepherd,
W. T. Chilton,	J. R. Mallory,	O. P. Searcy,
J. C. Cantrill,	Rueben Morris,	Miles Spurlock,
J. E. Cahill,	J. R. Mount,	G. B. Stout,
J. Morgan Chinn,	J. J. Marquette,	Ham. Shehan,
A. S. Denton,	W. J. Mears,	B. F. Saunders,
Claude Desha,	John M. Moore,	A. J. Thompson,
J. B. Depp,	J. H. Minor,	South Trimble,
M. T. Freeman,	W. A. Morris,	George Traver,
W. C. Holland,	J. Mc. Meloan,	H. S. Vanzant,
J. A. Humphreys,	M. F. North,	L. E. Weatherford,
W. C. G. Hobbs,	Chas. Aaron Nelson,	C. A. Wilson,
James M. Hall,	Emmett Orr,	R. E. Watkins,
J. H. Hall,	Michael O'Sullivan,	R. C. Walker,
John T. Hinton,	L. J. Owen,	David Woods,
J. P. Haswell, Jr.,	E. Petty,	J. D. Wills—75.

So said bill was rejected.

The Speaker laid before the House the following communication from the Auditor, viz.:

STATE OF KENTUCKY,  
OFFICE AUDITOR OF PUBLIC ACCOUNTS,  
FRANKFORT, KY., January 19, 1898. }

HON. J. C. W. BECKHAM, Speaker of House of Representatives:

Sir: In accordance with resolution of the House of Representatives, passed on January 18, 1898, requesting certain information, I would respectfully state to you that the amount collected for the fiscal year ending June 30, 1897, and paid into the State for fines and forfeitures, was \$88,847.53.

This information can be found on page 119 of my report, under recapitulation, "Receipts into the Treasury from July 1, 1896, to July 1, 1897." Copy of this report was laid on each member's desk the first day of the session.

Respectfully,

SAM. H. STONE,

Auditor.

The House took from the orders of the day.

S. Res. 1. Resolution providing for the purchase of Official Manuals for the use of the members of the General Assembly and for distribution to certain officials.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz:

Resolution providing for the purchase of official manuals for the use of the members of the General Assembly and for distribution to certain officials.

Resolved, by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the State Librarian be and the same is hereby authorized and directed to purchase, at not exceeding one dollar per copy, four hundred copies of a book entitled "Official Manual

for the Use of the Courts, State and County Officials and General Assembly of the State of Kentucky, by Mrs. Emma Guy Cromwell," which book contains the Constitution, indexed and annotated, the Standing Committees of both Houses, the Rules of the Senate and Rules of the House of Representatives, the joint rules, the names and postoffice address of the members of the General Assembly, and directory of the State officials and chief officials of the United States and the several States and Territories of the Union, and other valuable information.

She will furnish the members of the General Assembly and such officials thereof as may be designated by the presiding officer of the Houses, respectively, with a copy each of same, and will furnish the State officials with copies thereof, and send a copy thereof to the clerk of the county court of each county in the State, to be kept in his office. She will furnish to each State and Territory in the Union a copy of said book in exchange for similar books from said States and Territories.

Sec. 2. There being no printed copies of the Rules and Committees of the General Assembly, an emergency is declared and this resolution shall take effect from and after its adoption.

The yeas and nays being required thereon, by a provision of the Constitution, were as follows, viz. :

Those who voted in the affirmative were—

M. Abele,	John T. Hinton,	V. Perkins,
Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
J. L. Brown,	Jos. F. Laufer,	R. E. Richardson,
Geo. H. Bishop,	John M. Letterle,	J. S. Robey,
Reuben Conner,	J. M. Lee,	S. Atwood Smith,
A. H. Charlton,	J. R. Mallory,	F. G. Shepherd,
W. W. Combs,	J. D. Mocquot,	O. P. Searcy,
T. W. Clark,	J. R. Mount,	Miles Spurlock,
W. T. Chilton,	J. J. Marquette,	G. B. Stout,
W. H. Cooke,	W. J. Mears,	B. F. Saunders,

J. C. Cantrill,	John M. Moore,	A. J. Thompson,
J. E. Cahill,	F. May,	Frank M. Tracey,
J. Morgan Chinn,	W. A. Morris,	South Trimble,
A. S. Denton,	M. F. North,	George Traver,
Claude Desha,	Emmett Orr,	C. A. Wilson,
J. B. Depp,	Michael O'Sullivan,	R. E. Watkins,
W. C. Holland,	Harry C. Pulliam,	J. D. Wills,
J. A. Humphreys,	E. Petty,	J. H. Williams—59.
W. C. G. Hobbs,	W. C. Pike,	

Those who voted in the negative were—

W. H. Cole,	R. C. Jarnagin,	A. B. Pieratt,
John Collins,	J. H. Lackey,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	Andrew Sargent,
C. W. Haverly,	Reuben Morris,	W. T. Sharp,
J. S. Hood,	R. C. Myers,	Ham. Shehan,
James M. Hall,	Noah Marsee,	H. S. Vanzant,
J. H. Hall,	J. H. Minor,	L. E. Weatherford,
J. P. Haswell, Jr.,	J. Mc. Meloan,	D. B. Wheeler,
Anderson, Hatfield,	Chas. Aaron Nelson,	R. C. Walker,
J. A. Ingram,	Chas. F. Ogden,	David Woods—32.
J. P. Jeffries,	D. S. Powers,	

Resolved, That said resolution be adopted and that the title thereof be as aforesaid.

The House took from the orders of the day the following bills, viz.:

H. B. 68. An act to amend section 2243, Kentucky Statutes, and to re-enact said section as amended.

H. B. 18. An act to prevent butchers and other persons from selling, or offering for sale for food, the flesh of any animal, dying otherwise than by slaughter, or known to be diseased when slaughtered.

H. B. 124. An act repealing section 2219 of chapter 72 of Ken-



tucky Statutes, entitled "Interest and usury," and providing a penalty for usury.

Said bills were severally read the second time and placed in the orders of the day.

The House took from the orders of the day.

H. B. 70. An act appropriating money to pay certain claims due the sheriff and jailor of Menifee county, and directing the Auditor of Public Accounts, to draw his warrant on the Treasurer of the State of Kentucky in favor of J. B. Lyons, sheriff, W. Branham, deputy sheriff, and Thos. Greenwade, jailor.

Mr. Willians moved to further postpone the further consideration of said bill until Tuesday, January 25, 1898, at 11.30 o'clock, and that the same be made a special order for that hour.

Said motion was adopted.

Mr. Charlton was granted leave to withdraw a resolution heretofore introduced by him in regard to messenger for the Governor.

Mr. Nelson moved to call from the Committee on Proposition and Grievances a resolution heretofore introduced by Mr. Sanders calling upon Hon. Wm. Lindsay to resign his seat as Senator from Kentucky.

Pending said motion Mr. Cooke moved that the House adjourn.

Said last named motion was adopted.

And then the House adjourned.

THURSDAY, JANUARY 20, 1898.

The House was opened with prayer by Eld. Geo. Darsie, of the Christian church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

The House resumed the consideration of the unfinished business of yesterday, viz.:

Resolution in regard to Hon. Wm. Lindsay.

The question being taken on the question of calling from the Committee on Proposition and Grievances said resolution, it was decided in the negative.

The yeas and nays being demanded thereon by Messrs. Orr and Nelson were as follows, viz:

Those who voted in the affirmative were—

W. T. Chilton,	Chas. Aaron Nelson,	O. P. Searcy,
J. E. Cahill,	Emmett Orr,	Ham. Shehan,
J. Morgan Chinn,	L. J. Owen,	B. F. Saunders,
A. S. Denton,	W. C. Pike,	A. J. Thompson,
J. B. Depp,	V. Perkins,	South Trimble,
W. C. Holland,	A. B. Pieratt,	L. E. Weatherford,
G. W. Hickman,	L. C. Rawlings,	R. E. Watkins,
J. H. Lackey,	W. H. Ragland,	R. C. Walker,
J. R. Mount,	R. E. Richardson,	J. D. Wills,
W. J. Mears,	J. S. Robey,	J. H. Williams—32.
W. H. McKee,	S. Atwood Smith,	

Those who voted in the negative were—

M. Abele,	J. P. Haswell, Jr.,	J. H. Minor,
Bruce Adkins,	W. B. Henderson,	W. A. Morris,
George H. Bishop,	Anderson Hatfield,	J. Mc. Meloan,
W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,

Reuben Conner,	J. P. Jeffries,	E. Petty,
A. H. Charlton,	R. C. Jarnagin,	D. S. Powers,
W. W. Combs,	D. D. Lykins,	E. H. Read,
T. W. Clark,	Joseph F. Laufer,	F. G. Shepherd,
W. H. Cooke,	John M. Letterle,	J. A. Small,
John Collins,	J. M. Lee,	Andrew Sargent,
Claude Desha,	J. R. Mallory,	W. T. Sharp,
M. T. Freeman,	J. D. Mocquot,	Miles Spurlock,
C. W. Haverly,	Reuben Morris,	G. B. Stout,
J. S. Hood,	J. J. Marquette,	Frank M. Tracy,
W. C. G. Hobbs,	R. C. Meyers,	George Traver,
James M. Hall,	Noah Marsee,	H. S. Vanzant,
J. H. Hall,	John M. Moore,	C. A. Wilson,
John T. Hinton,	F. May,	David Woods—54.

Mr. Orr introduced H. Res. 8, entitled :

Resolution authorizing the Librarian to purchase additional copies of the Code of Practice. Referred to the Committee on Legislative Accounts.

Leave was granted to withdraw from the committees, H. B. 41, and H. B. 89.

The committees to whom the same had been referred reported bills as follows, viz :

By Mr. Traver, from the Committee on Agriculture and Manufactures :

H. B. 125. An act to regulate the Analysis of Fertilizers within the Commonwealth.

By same :

H. B. 166. An act to regulate the sale of leaf tobacco in the public markets of Kentucky.

By Mr. S. Atwood Smith, from the Committee on Municipalities:

H. B. 87. An act to amend section 28, of article 6, of an act entitled : "An act for the government of cities of the second-class in the Commonwealth of Kentucky," relating to city jailors.

By Mr. Lackey, from the Committee on Public Health:

H. B. 93. An act continuing the Kentucky State Dental Association, and defining the duties of said Association, and regulating the practice of dentistry in this Commonwealth.

By same:

H. B. 133. An act to regulate the practice of embalming in this Commonwealth.

By Mr. Desha, from the Committee on Corporate Institutions:

H. B. 172. An act to regulate the business of foreign corporations, etc.

Which bills were severally read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. North, from the Committee on Propositions and Grievances, to whom the same had been referred, reported:

H. B. 147. An act prohibiting toll-gate keepers from keeping dogs.

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Mocquot, from the Committee on Codes of Practice reported bills originated by the committee, as follows, viz:

H. B. 184. An act to regulate the cost of taking depositions in shorthand.

H. B. 185. An act to amend section 580 of the Civil Code of Practice, concerning evidence and the manner of taking depositions, and the re-enactment of said section as amended.

Said bills were severally read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

A message was received from the Senate announcing that they had concurred in H. Res. 6, entitled:

Resolution providing for investigation of the penitentiaries of the State.

That they had passed bills which originated in that body of the following titles:

1. S. B. 16. An act to repeal subsection 8 of section 3490 of the Kentucky Statutes, and to enact a substitute therefor.
2. S. B. 30. An act relating to domesticated deer.

Ordered that said bills be referred, the first to the Committee on Municipalities, and the second to the Committee on Agriculture and Manufactures.

A message was received from the Governor as follows, viz:

STATE OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., January 20, 1898. }

To the General Assembly of the Commonwealth of Kentucky:

In compliance with requests made from various sources, I call the attention of your honorable body to the fact that the Trans-Mississippi International Exposition at Omaha, Nebraska, will open in said city on June 1, 1898.

I have heretofore appointed commissioners from this State to attend the same, and will leave it to your better judgment to say what steps you will take, if any, for the purpose of making an exhibit from this State.

WILLIAM O. BRADLEY,  
Governor of Kentucky.

The House took from the orders of the day:

H. B. 68. An act to amend section 2246 Kentucky Statutes, and to re-enact said section as amended.

Ordered that said bill be re-committed to the Committee on Kentucky Statutes.

The House took from the orders of the day:

H. B. 18. An act to prevent butchers and other persons from selling or offering for sale for food the flesh of any animal dying otherwise than by slaughter, or known to be diseased when slaughtered.

Ordered that said bill be recommitted to the Committee on Public Health.

The House took from the orders of the day:

H. B. 73. An act to amend section 1304 of the Kentucky Statutes, titled, "Selling without license."

Said bill was read the second time, and recommitted to the Committee on Criminal Laws.

The House took from the orders of the day, bills of the following titles:

H. B. 57. An act to amend section 1086, Kentucky Statutes, and regulating the jurisdiction of the Justices of the Peace in civil actions.

H. B. 52. An act defining embezzlement, and providing a penalty therefor.

H. B. 134. An act to amend certain provisions of the Kentucky Code of Practice, regulating the competency of witnesses in civil actions, and to declare an emergency.

H. B. 128. An act to amend section 1196 of Kentucky Statutes, relating to hog stealing.

H. B. 129. An act to repeal section 1312 of Kentucky Statutes, relating to confession of judgment in penal cases.

H. B. 90. An act to regulate the repairing and building of school-houses in this Commonwealth.

H. B. 20. An act to amend section 969, subdivision 2, article 2, chapter 35 of Kentucky Statutes.

H. H. 2. An act to repeal an act entitled, "An act for the protection of purchasers, lessees and encumbrances of real estate," approved March 17, 1896.

H. B. 26. An act to require owners of dams across certain

streams in this Commonwealth, to construct and keep in repair fish roads or ladders over said dams.

H. B. 35. An act to amend and re-enact section 1655 of the Kentucky Statutes as to the protection of young girls.

H. B. 54. An act to amend section 2326 Kentucky Statutes, and providing for the number of day's notice a tenant shall be entitled to.

H. B. 76. An act concerning the salaries of officers of the towns of the sixth class.

H. B. 110. An act to amend section 1946, chapter 57 of the Kentucky Statutes.

H. B. 64. An act to amend section 2276 Kentucky Statutes.

H. B. 72. An act to repeal chapter 53 of the Kentucky Statutes, and enact into one all the acts relating to the taking or catching fish from the waters of the State of Kentucky.

H. B. 62. An act entitled "An act to protect hotel, inn and boarding house keepers.

Said bills were severally read the second time and placed in the orders of the day.

Mr. Trimble moved adoption of the following resolution, viz:

Whereas, The President of the United States of America has appointed a committee, of which Stephen E. Barton, of New York City, is chairman, for the purpose of collecting funds, clothing, food, etc., for starving and destitute Cubans, which funds, etc., are to be sent to said Barton, and by him to be transmitted free to Consul General Lee at Havana; and whereas, Chairman Barton has appealed to the Governor of this State to take proper steps to make effectual the good work in Kentucky;

Whereas, Said appeal has met with the hearty endorsement of the Governor of this Commonwealth;

Whereas, An entertainment (the latest sensation, Cuba-Libre) will be given at the Frankfort Opera House, Monday, January

24th, for the benefit of the down-trodden, oppressed, and mis-governed Cubans; therefore be it

Resolved, That this House cordially commends and sympathizes with the promoters of said entertainment and appeal to all Cuban sympathizers to lend their assistance by attending the same.

Mr. Hobbs moved that when this House adjourn to-day it be to meet Saturday morning, January 22, at 11 o'clock.

Mr. Thompson moved to amend said motion by striking out the words and figures "Saturday, January 22," and inserting in lieu thereof the words and figures "Monday, January 24."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. North and Desha, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Joseph F. Laufer,	D. S. Powers,
Bruce Adkins,	John M. Letterle,	F. G. Shepherd,
T. H. Armstrong,	J. M. Lee,	J. A. Small,
George H. Bishop,	J. D. Mocquot,	Andrew Sargent,
W. H. Cole,	R. C. Myers,	W. T. Sharp,
A. H. Charlton,	Noah Marsee,	Miles Spurlock,
J. Morgan Chinn,	W. H. McKee,	G. B. Stout,
M. T. Freeman,	F. May,	Ham. Shehan,
C. W. Haverly,	J. H. Minor,	A. J. Thompson,
James M. Hall,	Emmett Orr,	C. A. Wilson,
J. H. Hall,	Chas. F. Ogden,	David Woods,
John T. Hinton,	Michael O'Sullivan,	J. D. Wills,
Anderson Hatfield,	Harry C. Pulliam,	Jas. H. Williams—40
J. H. Lackey,		

Those who voted in the negative were:

J. L. Brown,	J. P. Jeffries,	A. B. Pieratt,
Reuben Conner,	R. C. Jarnagin,	E. C. Rawlings,
W. W. Combs,	D. D. Lykins,	W. H. Ragland,
T. W. Clark,	J. R. Mallory,	R. E. Richardson,



W. T. Chilton,	Reuben Morris,	E. H. Read,
W. H. Cook,	J. R. Mount,	J. S. Robey,
J. E. Cahill,	J. J. Marquette,	S. Atwood Smith,
A. S. Denton,	W. J. Mears,	O. P. Searcy,
Claude Desha,	John M. Moore,	B. F. Saunders,
J. B. Depp,	W. A. Morris,	Frank M. Tracy,
W. C. Holland,	J. Mc. Meloan,	South Trimble,
J. S. Hood,	M. F. North,	George Traver,
W. C. G. Hobbs,	Chas. Aaron Nelson,	H. S. Vanzant,
J. P. Haswell, Jr.,	L. J. Owen,	L. E. Weatherford,
W. B. Henderson,	W. C. Pike,	R. E. Watkins,
G. W. Hickman,	V. Perkins,	R. C. Walker—49.
J. A. Ingram,		

So said amendment was rejected.

Said motion was then adopted.

Mr. Williams introduced H. Res. 9, entitled:

Resolution adopting the Kentucky Statutes, compiled and edited by J. Barbour and Jno. D. Carroll. Referred to the Committee on Kentucky Statutes.

Mr. Hobbs moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

SATURDAY, JANUARY 22, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic Church.

Mr. Speaker Beckham in the Chair.

The Journal of Thursday was approved.

Mr. Walker presented a petition of sundry citizens of Kentucky asking the passage of a bill prohibiting the playing of baseball on the Sabbath day, which was received, its reading dispensed with, and referred to the Committee on Public Morals.

Mr. Hobbs introduced House Resolution 10, entitled:

Resolution declaring the first Monday in September of each year a legal holiday.

Referred to the Committee on Kentucky Statutes.

Mr. Trimble moved the adoption of the following resolution, viz:

Resolved: That the Judiciary Committee of this House, be, and they are hereby instructed, to investigate certain claims of citizens of this State against the Commonwealth, on account of an encampment held near the city of Frankfort during a former administration, (while A. J. Gross was Adjutant General), and for the purpose of ascertaining the validity of said claims, they are authorized to send for persons and papers, and to employ such clerical assistance as they may deem necessary.

Said resolution was adopted.

Mr. Mallory moved the adoption of the following resolution, viz:

Whereas, The State College of Kentucky invited this body to be present at the dedication of the Natural History Building, and whereas, the city of Lexington invited us to be present on the same day as her guests, and whereas, we accepted these invita-

tions and had as pleasant a day and evening as is possible for us to have; therefore, be it

Resolved, That the members of the Lower House of the General Assembly of Kentucky, extend to the trustees, president, and faculty of the State College of Kentucky, to the managers of the Eastern Kentucky Asylum, and to the people of the city of Lexington, their sincere thanks for the royal, hospitable, and pleasant manner in which they were entertained.

Said resolution was adopted.

Mr. S. Atwood Smith moved the adoption of the following resolutions, viz.:

Resolved, By the House of Representatives that we tender our hearty and sincere thanks to Hons. C. J. Bronston, W. C. G. Hobbs, J. A. Humphreys, and through them to the hospitable citizens of Lexington, for the cordial and royal entertainment provided for the members of the General Assembly on yesterday.

Said resolution was adopted.

Mr. Haswell, from the Committee on Classification of Cities and Towns, reported:

H. B. 32. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to classes to which they belong."

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day and read the second time on some other day.

Mr. Mallory, from the Committee on Criminal Law, to whom the same had been referred, reported bills as follows, viz:

H. B. 135. An act to prevent the driving of ducks, geese, turkeys, etc., along a public road without being branded.

H. B. 112. An act to regulate pawnbrokers and pawnshops in the State of Kentucky.

With the expression of opinion that said bills should not pass.

Said bills were read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the Committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Indefinite leave of absence was granted Messrs. Combs, Adkins, Marsee, Lackey and Orr.

The House took from the orders of the day:

H. B. 90. An act to regulate the repairing and building of school houses in this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

An act regulating the repairing and building of school houses in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That no county superintendent, board of education, or member thereof, or trustees of any subdistrict shall directly or indirectly become interested in any contract for building or repairing school houses in his or their district. And any county superintendent, member of such board, or any trustee violating this section shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than one thousand.

Sec. 2. That no school house shall be erected in any subdistrict or county in this Commonwealth unless the plan thereof shall have been submitted to the county superintendent, and approved by him, and it is hereby made his duty to acquaint himself with the principles of school house architecture, and in all his plans for such structures, to have due regard to economy, convenience, health and durability of structure.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	Reuben Morris,	E. H. Read,
J. L. Brown,	W. J. Mears,	J. S. Robey,
Reuben Conner,	R. C. Myers,	S. Atwood Smith,
A. H. Charlton,	John M. Moore,	F. G. Shepherd,
T. W. Clark,	F. May,	Andrew Sargent,
W. T. Chilton,	W. A. Morris,	W. T. Sharp,
W. H. Cooke,	J. Mc. Meloan,	O. P. Searcy,
J. E. Cahill,	M. F. North,	Miles Spurlock,
J. Morgan Chinn,	Chas. Aaron Nelson,	B. F. Saunders,
John Collins,	Emmett Orr,	South Trimble,
A. S. Denton,	Chas. F. Ogden,	H. S. Vanzant,
W. W. Gill,	L. J. Owen,	L. E. Weatherford,
W. C. Holland,	Harry C. Pulliam,	C. A. Wilson,
W. C. G. Hobbs,	W. C. Pike,	C. B. Wheeler,
J. P. Haswell, Jr.,	D. S. Powers,	R. E. Watkins,
W. B. Henderson,	V. Perkins,	R. C. Walker,
J. A. Ingram,	A. B. Pieratt,	David Woods,
J. R. Mallory,	L. C. Rawlings,	Jas. H. Williams—56.
J. D. Mocquot,	R. E. Richardson,	

Those who voted in the negative were:

Claude Desha,	J. P. Jeffries,	J. R. Mount—4.
J. B. Depp,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 62. An act entitled "An act to protect hotel and boarding house keepers.

The substitute proposed therefor by the Committee on Kentucky Statutes was adopted.

Ordered that said bill be read a third time.

Said bill was read the third time, and passed as follows, viz:

An Act entitled, "An act to protect hotel, inn and boarding house keepers."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That persons who shall at any hotel, inn, or boarding house, order and receive or caused to be furnished any food or lodging, with intent to defraud the owner or proprietor of such hotel, inn, or boarding house out of the value of or price for such food or lodging, either or both; and any person who shall obtain credit at any hotel, inn, or boarding house by the use of any false pretense or devise, or by fraudently depositing at such hotel, inn, or boarding house any baggage or property of value less than the amount of such credit, or the bill, by such person incurred, unless credit be given by expressed agreement; and any person, who after obtaining credit or accommodation at any hotel, inn, or boarding house, shall fail or refuse to pay such bill, or shall surreptitiously remove his or her baggage or property therefrom, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than ten dollars (\$10), and not more than fifty dollars (\$50); Provided, however, that this act shall not apply to regular boarders nor in cases where an expressed agreement for delay in payment has been made.

Sec. 2. Be it further enacted that all laws in conflict with this act be and they are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	J. A. Ingram,	A. B. Pieratt,
J. L. Brown,	D. D. Lykins,	L. C. Rawlings,
W. H. Cole,	J. R. Mallory,	R. E. Richardson,
Reuben Conner,	J. D. Mocquot,	E. H. Read,
A. H. Charlton,	Reuben Morris,	J. S. Robey,
T. W. Clark,	J. R. Mount,	S. Atwood Smith,
W. T. Chilton,	W. J. Mears,	F. G. Shepherd,

W. H. Cooke,	R. C. Myers,	Andrew Sargent,
J. E. Cahill,	John M. Moore,	W. T. Sharp,
J. Morgan Chinn,	W. A. Morris,	O. P. Searcy,
John Collins,	J. Mc. Meloan,	Miles Spurlock,
A. S. Denton,	M. F. North,	B. F. Saunders,
Claude Desha,	Chas. Aaron Nelson,	South Trimble,
J. B. Depp,	Emmett Orr,	H. S. Vanzant,
W. W. Gill,	Chas. F. Ogden,	L. E. Weatherford,
W. C. Holland,	L. J. Owen,	C. A. Wilson,
W. C. G. Hobbs,	Harry C. Pulliam,	R. E. Watkins,
J. P. Haswell, Jr.,	W. C. Pike,	R. C. Walker,
W. B. Henderson,	D. S. Powers,	David Woods,
G. W. Hickman,	V. Perkins,	Jas. H. Williams—60

Those who voted in the negative were:

J. P. Jeffries,	F. May,	C. B. Wheeler—3.
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Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day, bills as follows, viz:

H. B. 110. An act to amend section 1946, chapter 57, of the Kentucky Statutes.

H. B. 64. An act to amend section 2276, Kentucky Statutes.

H. B. 128. An act to amend section 1196 of Kentucky Statutes, relating to hog stealing.

H. B. 54. An act to amend section 2326, Kentucky Statutes, and providing for the number of days' notice a tenant shall be entitled to.

H. B. 57. An act to amend section 1086, Kentucky Statutes, and regulating the jurisdiction of Justices of the Peace in Civil actions.

H. B. 20. An act to amend section 969, subdivision 2, article 2, chapter 35, Kentucky Statutes.

H. B. 35. An act to amend and re-enact section 1165 of the Kentucky Statutes, as to the protection of young girls.

H. B. 72. An act to repeal chapter 53 of the Kentucky Statutes, and to enact into one act all the acts and parts of acts relating to the taking and catching fish from the waters of the State of Kentucky.

Ordered that said bills be re-committed to the committees heretofore reporting them.

The House took from the orders of the day bills of the following titles, to-wit:

H. B. 14. An act to amend section 10 of an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the first class,'" approved March 23, 1894.

H. B. 44. An act to amend section 1944 of chapter 57 of the Kentucky Statutes entitled, "Game and Birds."

H. B. 29. An act to repeal chapter 1562 of the session Acts of 1887-8 entitled, "An act to establish a State Board of Equalization and Assessments in this Commonwealth;" also the act amendatory thereof, Session Acts 1889-90, and also article 16 of chapter 108 of the Kentucky Statutes.

H. B. 47. An act to amend section 822 of chapter 32, article 5, sub-division 3, title, corporations—private—of the Kentucky Statutes, relating to expenses of Railroad Commission.

H. B. 102. An act to repeal sections 5, 6 and 7 of an act entitled, "An act to prevent lynching and injury to, and destruction of real and personal property, in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions," approved May 20, 1897.

H. B. 9. An act to prevent discrimination of corporations or individuals against members of labor organizations, and providing penalties for the violation of this act.



H. B. 129. An act to repeal section 1312 of Kentucky Statutes relating to confession of judgment in penal cases.

H. B. 11. An act to abolish the office of Register of the Land office and consolidate with the office of the Auditor of Public Accounts.

H. B. 49. An act to change the name of the town of Dawson City.

H. B. 103. An act to repeal an act entitled, "An act to exclude Crab Orchard Springs from Crab Orchard."

H. B. 55. An act providing for the transportation of bicycles as baggage by all railroads operating in the Commonwealth of Kentucky.

H. B. 48. An act to repeal an act entitled, "An act to organize and establish a system of public graded schools in Madisonville, Hopkins county," approved April 16, 1888.

Which bills were severally read the second time and ordered to be placed in the orders of the day.

And then the House adjourned until Monday at 11 o'clock A. M.

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MONDAY, JANUARY 24, 1898.

The House was opened with prayer by Rev. Geo. H. Means, of the Methodist Church, South.

Mr. Speaker Beckham in the chair.

The journal of Saturday was approved.

Mr. Humphreys laid before the House the following communication, viz :

LINCOLN, NEB., January 18, 1898.

HON. JOSEPH A. HUMPHREYS,

Frankfort, Ky.

My Dear Sir: I am just in receipt of a letter signed by yourself, Hon. J. B. Depp and Hon. Robt. C. Myers, officially notifying me of the resolution passed by the House of Representatives. Please convey to the members of the House by high appreciation of the honor which they do me in extending the invitation, and say to them that it will afford me great pleasure to be their guest if I find it possible to come to Frankfort during the session of the legislature.

With assurances of great respect, I am,

Very truly yours,

W. J. BRYAN.

Mr. Nelson, from the Committee on Education, to whom the same had been referred, reported.

H. B. 115. An act to establish a uniform series of text books to be used in the public schools of this Commonwealth, and to reduce the price thereof.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Bradburn, from the Committee on Kentucky Statutes, to whom the same had been referred, reported:

H. Res. 9. Resolution adopting the Kentucky Statutes, compiled and edited by J. Barbour and Jno. D. Carroll.

Which resolution was read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Bradburn, from the Committee on Kentucky Statutes, to whom the same had been referred, reported bills as follows, viz:

H. B. 113. An act to amend an act, approved April 5, 1892, entitled, "An act concerning champerty and maintenance."

H. B. 114. An act to amend an act, approved December 3, 1892, entitled, "An act concerning construction of Statutes."

H. B. 33. An act to amend section 1944, chapter 57, title, "Game and birds."

H. B. 15. Amending section 950, Kentucky Statutes.

H. B. 168. An act to amend and re-enact sections 4308 and 4310 of Kentucky Statutes.

H. B. 28. An act to amend section 4224 of the Kentucky Statutes, relating to license tax on occupations.

H. B. 51. An act to amend section 1697, Kentucky Statutes, entitled, "An act exempting personal property of persons with a family residing in this Commonwealth."

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

A message was received from the Governor, as follows:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., January 24, 1898. }

To the General Assembly of the Commonwealth of Kentucky;

Gentlemen: Herewith I submit for your inspection the reports of the State Inspector and Examiner from January 1, 1894 to December, 1898, inclusive.

The first series were in some way misplaced and never found until this day, and the reports from July 1, 1895, to January 1, 1896, can not be found. I have never seen them, but am reasonably certain they were filed.

I will thank you to return these reports to my office after you have examined them.

WILLIAM O. BRADLEY,  
Governor of Kentucky.

Ordered that said reports be referred to the Committee on Sinking Fund.

Mr. Bradburn, from the Committee on Kentucky Statutes, to whom the same had been referred, reported:

H. B. 21. An act to amend section 2056, chapter 62, of the Kentucky Statutes, with expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, in was decided in the affirmative.

The yeas and nays being demanded thereon by Messrs. North and Pike were as follows, viz: .

Those who voted in the affirmative were:

M. Abele,	J. M. Lee,	R. E. Richardson,
A. C. Brown,	J. D. Mocquot,	E. H. Read,
J. L. Brown,	Reuben Morris,	J. S. Robey,
Reuben Conner,	J. R. Mount,	S. Atwood Smith,
A. H. Charlton,	W. J. Mears,	F. G. Shepherd,
W. W. Combs,	R. C. Myers,	Andrew Sargent,
T. W. Clark,	John M. Moore,	W. T. Sharp,
W. T. Chilton,	F. May,	O. P. Searcy,
W. H. Cooke,	J. Mc. Meloan,	Ham. Shehan.
J. E. Cahill,	M. F. North,	A. J. Thompson,
J. B. Depp,	Chas. Aaron Nelson,	South Trimble,
W. W. Gill,	Chas. F. Ogden,	H. S. Vanzant,
W. C. Holland,	Michael O'Sullivan,	L. E. Weatherford,
C. W. Haverly,	L. J. Owen,	C. A. Wilson,
J. S. Hood,	W. C. Pike,	R. E. Watkins,
J. A. Humphreys,	D. S. Powers,	R. C. Walker,
J. P. Haswell, Jr.,	A. B. Pieratt,	David Woods,
J. A. Ingram,	L. C. Rawlings,	J. D. Wills—55.
J. P. Jeffries,		

Those who voted in the negative were:

B. W. Bradburn,	James M. Hall,	W. A. Morris,
George H. Bishop,	John T. Hinton,	V. Perkins,
W. H. Cole,	W. B. Henderson,	W. H. Ragland,
J. C. Cantrill,	G. W. Hickman,	Miles Spurlock,
J. Morgan Chinn,	Anderson Hatfield,	G. B. Stout,
John Collins,	D. D. Lykins,	B. F. Saunders,
A. S. Denton,	Joseph F. Laufer,	C. B. Wheeler,
Claude Desha,	J. R. Mallory,	Jas. H. Williams—26
W. C. G. Hobbs,	W. H. McKee,	

Ordered that said bill be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Bradburn, from the Committee on Kentucky Statutes, to whom the same had been referred, reported:

H. B. 19. An act to amend section 353, article 2, chapter 20, of the Kentucky Statutes.

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the committee to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being demanded thereon by Messrs. North and Pike were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	R. C. Myers,	F. G. Shepherd,
J. L. Brown,	F. May,	Andrew Sargent,
Reuben Conner,	M. F. North,	O. P. Searcy,
J. E. Cahill,	Chas. Aaron Nelson,	G. B. Stout,
J. B. Depp,	Chas. F. Ogden,	Ham. Shehan,
W. C. Holland,	L. J. Owen,	H. S. Vanzant,
C. W. Haverly,	W. C. Pike,	L. E. Weatherford,
J. P. Haswell, Jr.,	A. B. Pieratt,	C. A. Wilson,
J. A. Ingram,	L. C. Rawlings,	C. B. Wheeler,

J. P. Jeffries,  
Reuben Morris,  
J. R. Mount,  
W. J. Mears,

R. E. Richardson,  
E. H. Read,  
J. S. Robey,  
S. Atwood Smith,

R. C. Walker,  
David Woods,  
J. D. Wills—38.

Those who voted in the negative were:

B. W. Bradburn,	J. S. Hood,	W. H. McKee,
A. C. Brown,	W. C. G. Hobbs,	W. A. Morris,
George H. Bishop,	James M. Hall,	J. Mc. Meloan,
A. H. Charlton,	John T. Hinton,	Michael O'Sullivan,
W. W. Combs,	W. B. Henderson,	D. S. Powers,
T. W. Clark,	G. W. Hickman,	V. Perkins,
W. T. Chilton,	Anderson Hatfield,	W. H. Ragland,
W. H. Cooke,	D. D. Lykins,	Miles Spurlock,
J. C. Cantrill,	Joseph F. Laufer,	B. F. Saunders,
J. Morgan Chinn,	J. M. Lee,	A. J. Thompson,
John Collins,	J. R. Mallory,	South Trimble,
A. S. Denton,	J. J. Marquette,	R. E. Watkins,
Claude Desha,	John M. Moore,	Jas. H. Williams—40
W. W. Gill,		

So said bill was rejected.

The House took from the orders of the day:

H. B. 124. An act repealing section 2219, of chapter 72, of Kentucky Statutes, entitled, "Interest and usury," and providing a penalty for usury.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

An act repealing section 2219 of chapter 72 of the Kentucky Statutes entitled, "Interest and usury," and providing a penalty for usury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 2219 of chapter 72 of the Kentucky Statutes be and the same is hereby repealed.

Sec. 2. And be it further enacted that all contracts and assurances made directly, or indirectly for the loan, or forbearance of money, or other thing of value at a greater rate than legal interest, shall be void as to all interest. The amount loaned on any such contract, or assurance may be recovered; but if the lender refuse, before suit is brought, a tender of the principal he shall pay the costs of any suit brought on such contract or assurance.

The yeas and nays being required thereon, by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	James M. Hall,	A. B. Pieratt,
A. C. Brown,	J. P. Haswell, Jr.,	L. C. Rawlings,
J. L. Brown,	G. W. Hickman,	W. H. Ragland,
Geo. H. Bishop,	Anderson Hatfield,	R. E. Richardson,
W. H. Cole,	J. A. Ingram,	E. H. Read,
Reuben Conner,	D. D. Lykins,	J. S. Robey,
A. H. Charlton,	Joseph F. Laufer,	S. Atwood Smith,
W. W. Combs,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	Reuben Morris,	O. P. Searcy,
W. T. Chilton,	J. R. Mount,	Miles Spurlock,
W. H. Cooke,	W. J. Mears,	G. B. Stout,
J. C. Cantrill,	R. C. Myers,	Ham. Shehan,
J. E. Cahill,	John M. Moore,	B. F. Saunders,
J. Morgan Chinn,	W. H. McKee,	A. J. Thompson,
John Collins,	F. May,	South Trimble,
A. S. Denton,	W. A. Morris,	H. S. Vanzant,
Claude Desha,	J. Mc. Meloan,	L. E. Weatherford,
J. B. Depp,	M. F. North,	C. A. Wilson,
W. W. Gill,	Chas. Aaron Nelson,	R. E. Watkins,
W. C. Holland,	Chas. F. Ogden,	R. C. Walker,
C. W. Haverly,	Michael O'Sullivan,	David Woods,
J. S. Hood,	L. J. Owen,	J. D. Wills,
J. A. Humphreys,	W. C. Pike,	Jas. H. Williams—71.
W. C. G. Hobbs,	D. S. Powers,	

Those who voted in the negative were:

B. W. Bradburn,	J. R. Mallory,	Andrew Sargent,
John T. Hinton,	J. D. Mocquot,	C. B. Wheeler,
W. B. Henderson,	V. Perkins,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 2. An act to repeal an act entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate," approved March 17, 1896.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

An act to repeal an act entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate," approved March 17, 1896.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the act approved March 17, 1896, entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate," be and it is hereby repealed, and that this act take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon, by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	James M. Hall,	Michael O'Sullivan,
J. L. Brown,	John T. Hinton,	L. J. Owen,
George H. Bishop,	J. P. Haswell, Jr.,	W. C. Pike,
Reuben Conner,	W. B. Henderson,	D. S. Powers,
A. H. Charlton,	G. W. Hickman,	V. Perkins,
W. W. Combs,	Anderson, Hatfield,	L. C. Rawlings,
T. W. Clark,	J. A. Ingram,	W. H. Ragland,
W. H. Cooke,	J. P. Jeffries,	R. E. Richardson,



J. C. Cantrill,	D. D. Lykins,	J. S. Robey,
J. E. Cahill,	Joseph F. Laufer,	S. Atwood Smith,
J. Morgan Chinn,	J. M. Lee,	F. J. Shepherd,
John Collins,	J. R. Mallory,	Andrew Sargent,
A. S. Denton,	J. D. Mocquot,	B. F. Saunders,
Claude Desha,	Reuben Morris,	H. S. Vanzant,
J. B. Depp,	R. C. Myers,	C. A. Wilson—30.
W. W. Gill,	W. A. Morris,	C. B. Wheeler,
C. W. Haverly,	M. F. North,	R. E. Watkins,
J. S. Hood,	Chas. Aaron Nelson,	David Woods,
J. A. Humphreys,	Chas. F. Ogden,	Jas. H. Williams—58.
W. C. G. Hobbs,		

Those who voted in the negative were:

M. Able,	W. H. McKee,	Ham. Shehan,
A. C. Brown,	J. Mc. Meloan,	A. J. Thompson,
W. T. Chilton,	A. B. Pieratt,	South Trimble,
W. C. Holland,	E. H. Read,	L. E. Weatherford,
J. R. Mount,	O. P. Searcy,	R. C. Walker,
W. J. Mears,	Miles Spurlock,	J. D. Wills—20.
John M. Moore,	G. B. Stout,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day :

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice regulating the competency of witnesses in civil actions, and declaring an emergency.

Mr. Williams proposed an amendment to said bill.

Mr. McKee proposed an amendment to said bill.

Pending the consideration of said bill Mr. Trimble moved the adoption of the following resolution, viz :

Whereas, This House has heard with regret of the death of Judge Thomas H. Hines, a former member of the Court of

of Appeals, an esteemed citizen of the State and a soldier of distinction; therefore, be it

Resolved, That this House do now adjourn out of respect to his memory; and, as a further mark of respect, that the House members attend his funeral in a body.

Said resolution was adopted.

And then the House adjourned.

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TUESDAY, JANUARY 25, 1898.

The House was opened with prayer by Rev. Geo. H. Means, of the M. E. Church, South.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills and resolutions, the following were introduced and referred, viz:

By Mr. Read:

H. B. 186. An act to amend section 1853 of article 2 of chapter 52 of Kentucky Statutes, fiscal courts.

Referred to Committee on Kentucky Statutes.

By Mr. Moore:

H. B. 187. An act requiring all passenger trains to stop at county seats.

Referred to Committee on Railroads and Commerce.

By Mr. Hinton:

H. B. 188. An act to amend subdivision 80, article 3, of An act relating to crimes and punishments, approved April 10, 1893.

Referred to Committee on Criminal Law.

By Mr. Haswell:

H. B. 189. An act for the benefit of the inmates of the penal, reformatory and charitable institutions of this State.

Referred to Committee on Public Morals.

By Mr. Sharp:

H. B. 190. An act for extending the time for levying taxes in common school districts in which the four-year levy has proved insufficient to build and to provide with suitable furniture the school house.

Referred to Committee on Education.

By Mr. Walker:

H. B. 191. An act to legalize elections in certain graded common school districts in this Commonwealth.

Referred to Committee on Education.

By Mr. Watkins:

H. B. 192. An to amend and re-enact subsection 3, section 4725, chapter 129 Kentucky Statutes, or section 3, chapter 110 General Statutes, entitled, "Turnpike, gravel and plank roads."

Referred to Committee on Internal Improvements.

By Mr. Hobbs:

H. B. 193. An act to levy a tax to erect a State house building at the seat of government, and to create a Board of State House Commissioners.

Referred to the Committee on Public Offices and Library.

By Mr. Brown:

H. B. 194. An act to amend an act entitled, "An act relating to roads and passways," approved March 10, 1894.

Referred to the Committee on Internal Improvements.

By Mr. Myers:

H. B. 195. An act entitled an act to compel all railroad companies to receive and discharge passengers at county seat towns.

Referred to the Committee on Railroads and Commerce.

By Mr. Richardson:

H. B. 196. An act to amend section 783 of chapter 32 of the Kentucky Statutes, page 394.

Referred to Committee on Railroads and Commerce.

By Mr. Desha:

H. B. 197. An act to amend and re-enact section 4, article 5 of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, and being section 4108 of the Kentucky Statutes.

Referred to the Committee on Revenue and Taxation.

By Mr. Chilton:

H. B. 198. An act to amend and re-enact section 4306 of chapter 110 of Kentucky Statutes, entitled, "An act relating to roads and passways."

Referred to the Committee on Internal Improvements.

By Mr. Clark:

H. B. 199. An act to amend an act relating to husband and wife, and entitled, "Husband and wife."

Referred to the Committee on Kentucky Statutes.

By Mr. Tracy:

H. B. 200. An act to amend section 1469 of the Kentucky Statutes, and regulating the time within which elections may be held.

Referred to the Committee on Suffrage and Elections.

By Mr. Ingram:

H. B. 201. An act for the protection of laboring men.

Referred to the Committee on Immigration and Labor.

By Mr. North:

H. B. 202. An act to abolish the office of assistant Adjutant-general of the State of Kentucky.

Referred to the Committee on Judiciary.

By Mr. North:

H. B. 203. An act to abolish the office of assistant sergeant-at-arms, tipstaff, and janitor of the Court of Appeals, and creating the office of special law clerk to the Court of Appeals, and setting forth the duties of said officer.

Referred to the Committee on the Court of Appeals.

By Mr. Gill:

H. B. 204. An act to prevent any discrimination against the currency of our nation, and to protect the debtor class of our citizens.

Referred to the Committee on Judiciary.

By Mr. Laufer:

H. B. 205. An act to amend an act entitled, "An act for the government of cities of first class."

Referred to the Committee on General Statutes.

By Mr. Ogden:

H. B. 206. An act to establish the office of physician to the jail in counties containing a population of 150,000 or more.

Referred to the Committee on Municipalities.

By Mr. S. A. Smith:

H. B. 207. An act to amend subdivision 1 of article 15 of chapter 46 of the Kentucky Statutes, being an act concerning executions, approved April 10, 1893.

Referred to the Committee on Kentucky Statutes.

By Mr. S. A. Smith:

H. B. 208. An act to amend section 3868 of article 1 of chapter 98 of the Kentucky Statutes, being section — of article 1 of an act entitled —.

Referred to the Committee on Public Health.

By Mr. S. A. Smith:

H. B. 209. An act to amend an act entitled, "An act for the government of first-class cities."

Referred to the Committee on Municipalities.

By S. A. Smith:

H. B. 210. An act to amend an act entitled, "An act for the government of cities of the first class," which act was approved on July 1, 1893.

Referred to the Committee on Municipalities.

By Mr. S. A. Smith:

H. B. 211. An act to repeal an act entitled, "An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of 75,000 or more," which was approved June 15, 1893.

Referred to the Committee on Municipalities.

By Mr. S. A. Smith:

H. B. 212. An act entitled an act to make gold and silver coin of the United States legal tender in the payment of all debts, and to prohibit the making of any contract for the payment of money in any currency other than the general legal tender of the United States.

Referred to the Committee on Judiciary.

By Mr. S. A. Smith:

H. B. 213. An act to amend an act entitled. "An act for the government of cities of the first class," approved March 23, 1894, being section 8 of the law governing the police force of cities of the first class.

Referred to the Committee on Municipalities.

By Mr. Charlton:

H. B. 214. An act to amend section 14 of an act entitled. "An act to provide how the printing, binding and stationery used by the state shall be furnished," approved June 20, 1893.

Referred to the Committee on Printing.

By Mr. Charlton:

H. B. 215. An act to establish the office of physician to the jail in counties containing a population of 150,000 or more.

Referred to the Committee on Municipalities.

By Mr. Mocquot:

H. B. 216. An act to amend and re-enact section 1107, chapter 35, Kentucky Statutes, being section 81, article 7, subdivision 2 of an act entitled, "An act relating to courts of practice," approved June 10, 1893.

Referred to the Committee on Civil Courts.

By Mr. Mocquot:

H. B. 217. An act to provide for the revising and compiling of the Statute laws of the State of Kentucky.

Referred to the Committee on Kentucky Statutes.

By Mr. Mocquot:

H. B. 218. An act to provide for an appeal in actions of habeas corpus.

Referred to the Committee on Judiciary.

By Mr. Hickman:

H. B. 219. An act abolishing the office of arsenal keeper and janitor of the Court of Appeals; providing for a custodian of public buildings, for the capitol, its wings, the State arsenal and the Governor's mansion and grounds thereof, defining his duties and fixing his salary.

By Mr. Williams:

H. B. 220. An act to prohibit the granting of license to sell by retail spirituous, vinuous, malt liquors and other intoxicating drinks in this State to merchants and druggists outside of incorporated cities and towns.

Referred to the committee on Kentucky Statutes.

By Mr. Williams:

H. B. 221. An act for the benefit of the pauper idiots and lunatics of the State of Kentucky.

Referred to the Committee on Propositions and Grievances.

By Mr. Morris:

H. B. 222. An act for the incorporation and government of co-operative property insurance companies in the State of Kentucky.

Referred to the Committee on Insurance.

By Mr. Mount:

H. B. 223. An act to amend chapter 101, section 3915 of the General Statutes entitled, "Pools, trusts, conspiracies."

Referred to the Committee on Corporate Substitutions.

By Mr. Orr:

H. B. 225. An act to amend an act entitled, "An act for the creation and regulation of private corporations," which became a law without the approval of the Governor April 5, 1893.

Referred to the Committee on Corporate Institutions.

By Mr. G. W. Smith:

H. B. 226. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 5, 1893.

Referred to the Committee on Municipalities.

By Mr. G. W. Smith:

H. B. 227. An act to amend an act entitled, "An act concerning gaming," approved April 8, 1893.

Referred to the Committee on General Statutes.

By Mr. O'Sullivan:

H. B. 228. An act to amend an act approved June 10, 1893, entitled, "An act relating to courts of justice."

Referred to the Committee on Circuit Courts.

By Mr. Mallory:

H. B. 229. An act to amend chapter 210, article 1, section 7 of acts of 1891-2-3, entitled, "Juries," the same being section 2247, article 1, chapter 74 of Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.



By Mr. Mallory:

H. B. 230. An act entitled an act to amend chapter 65, article 3, sections 8, 15, and 26 of session acts of 1891-2-3, entitled, "An act to regulate elections." The same being sections 1453, 1460, and 1471, article 3, chapter 41 of Kentucky Statutes.

Referred to the Committee on Suffrage and Elections.

By Mr. Saunders:

H. B. 231. An act concerning the qualifications of jurors in Circuit Courts of this Commonwealth.

Referred to the Committee on Kentucky Statutes.

By Mr. Sargent:

H. B. 232. An act to allow the children of slave marriages to inherit the property of their fathers and mothers.

Referred to the Committee on Kentucky Statutes.

By Mr. Shepherd:

H. B. 233. An act to amend section 3706, article 7, chapter 89 of Kentucky Statutes entitled, "Municipal corporations."

Referred to the Committee on Municipalities.

By Mr. Shepherd:

H. B. 234. An act for the benefit of incorporated districts or other municipalities not heretofore assigned to any class of cities or towns.

Referred to the Committee on Classification of Cities and Towns.

By Mr. Stout:

H. B. 235. An act to prohibit live stock from running at large upon the public highways of this Commonwealth.

Referred to the Committee on Criminal Law.

By Mr. Trimble:

H. B. 236. An act to amend section 754, subdivision 8, article

4, chapter 32 of Kentucky Statutes entitled "Corporations, private."

Referred to the Committee on Corporate Institutions.

By Mr. Trimble:

H. B. 237. An act to amend chapter 109, session acts of 1891-92-93, entitled, "An act concerning guardians."

Referred to the Committee on Kentucky Statutes.

By Mr. Trimble:

H. B. 238. An act to amend chapter 113, article 9, section 4458 of the Kentucky Statutes.

Referred to the Committee on Education.

By Mr. Trimble:

H. B. 239. An act for the benefit of James L. Buford.

Referred to the Committee on Claims.

H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington, Ky.

Referred to the Committee on Charitable Institutions.

By Mr. Bishop:

H. Res. 11. Looking to the protection of the Daniel Boone monument from vandalism.

Referred to a Special Committee.

By Mr. Humphreys:

H. Res. 12. Suggesting an amendment to section 170 of Constitution of Kentucky.

Referred to the Committee on Constitutional Amendments.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined an enrolled resolution which originated in the House of Representatives, of the following title. viz:

S. Res. 1. Resolution providing for the purchase of official manuals for the use of the members of the General Assembly and

for distribution among certain officials, and had found the same correctly enrolled.

Said resolution was then read at length and compared, in the presence of the House, and found to be correctly enrolled.

Whereupon the Speaker affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

Mr. Tracy moved to reconsider the vote by which the House on yesterday refused to order to its second reading:

H. B. 51. An act to amend section 1697 Kentucky Statutes, entitled, "An act exempting personal property of persons with a family residing in this Commonwealth."

Said motion was adopted.

The question being then taken on ordering said bill to be printed and read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed in the orders of the day and read the second time on some other day.

Indefinite leave of absence was granted Mr. Rawlings.

The House took from the orders of the day unfinished business of yesterday, viz:

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice, regulating the competency of witnesses in civil actions, and to declare an emergency.

Mr. Ragland moved the previous question.

Said motion was adopted.

The amendment moved to said bill by Mr. Williams yesterday was rejected.

The amendment moved to said bill by Mr. McKee on yesterday was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 606, Kentucky Code of Civil Practice be, and the same is hereby repealed and in lieu thereof the following sections are inserted:

Section 606. (1) Neither a husband nor his wife shall testify, while the marriage exists or afterward, concerning any communication between them during marriage. Nor shall either of them testify against the other, except in actions between them for divorce. Nor shall either of them testify for the other, except in an action for lost baggage or its value against a common carrier, an inn-keeper, or a wrong-doer, and in such action either or both of them may testify; and, except in actions which might have been brought by or against the wife, if she had been unmarried, and in such actions either, but not both, of them may testify. And except that when a husband or a wife is acting as agent for his or her consort, either, or both of them may testify as to any matter connected with such an agency.

(2) Subject to the provisions of subsection 7 of this section, no person shall testify for himself concerning any verbal statement of, or any transaction with, or any act done or omitted to be done by an infant under fourteen years of age, or by one who is of unsound mind or dead when the testimony is offered to be given, except for the purpose and to the extent of effecting one who is living, and who, when over fourteen years of age and of sound mind, heard such statement, or was present when such transaction took place, or when such act was done or omitted, unless:

(a) The infant or his guardian shall have testified against such person with reference to such statement, transaction, or act; or

(b) The person of unsound mind shall, when of sound mind, have testified against such person, with reference thereto; or

(c) The decedent, or a representative of, or some one interested in his estate shall have testified against such person, with reference thereto; or

(d) An agent of the decedent or person of unsound mind, with reference to such act or transaction shall have testified against such person, with reference thereto, or be living when such person offers to testify with reference thereto.

(3) No person shall testify for himself, in chief, in an ordinary action, after introducing other testimony for himself, in chief; nor, in an equitable action, after taking other testimony for himself, in chief.

(4) No attorney shall testify concerning a communication made to him, in his professional character by his client, or his advice thereon without the client's consent; nor shall a clergyman or priest testify concerning any confession made to him, in his professional character, in the course of discipline enjoined by the church to which he belongs, without the consent of the person confessing.

(5) If the right of a person to testify for himself be founded upon the fact that one who is dead or of unsound mind has testified against him, the testimony of such person shall be confined to the facts or transactions to which the adverse testimony related.

(6) A person may testify for himself as to the correctness of original entries made by him against persons who are under no disability, other than infancy in an accounting according to the usual course of business, though the person against whom they are made may have died or have become of unsound mind; but no person shall testify for himself concerning entries in a book, or the contents or purport of any writing, under the control of himself, or of himself and others jointly, if he refuse or fail to produce such book or writing, and to make it subject to the order of the court for the purposes of the action, if required to do so by the party against whom he offers to testify.

(7) The assignment of a claim by a person who is incompetent to testify for himself shall not make him competent to testify for another.

(8) A party may be examined as if under cross-examination at the instance of the adverse party, either orally or by deposition as any other witness; but the party calling for such examination shall not be concluded thereby, but may rebutt it by counter testimony.

(9) None of the preceding provisions of this section apply to affidavits for provisional remedies or to affidavits of claimants against the estates of deceased or insolvent persons or effect the competency of witnesses of instruments which are required by law to be attested.

(10) All laws in conflict herewith are hereby repealed.

(11) Whereas, many actions are now pending in the courts of the State, in which the testimony of persons to be made competent by this act is necessary to meet the ends of justice; an emergency is declared to exist, and this act shall take effect from and after its passage, and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows:

Those who voted in the affirmative were:

B. W. Bradburn,	W. B. Henderson,	E. Petty,
J. L. Brown,	Anderson Hatfield,	D. S. Powers,
Geo. H. Bishop,	J. P. Jeffries,	A. B. Pieratt,
W. H. Cole,	D. D. Lykins,	L. C. Rawlings,
Reuben Conner,	Joseph F. Laufer,	W. H. Ragland,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
T. W. Clark,	J. M. Lee,	Andrew Sargent,
W. H. Cooke,	J. R. Mallory,	Miles Spurlock,
J. E. Cahill,	J. D. Mocquot	Waller Sharp,
J. Morgan Chinn,	R. C. Myers,	B. F. Saunders,
Claude Desha,	W. H. McKee,	Frank M. Tracy,

W. W. Gill,	F. May,	South Trimble,
W. C. Holland,	J. H. Minor,	George Traver,
J. S. Hood,	W. A. Morris,	C. A. Wilson,
J. A. Humphreys,	M. F. North,	C. B. Wheeler,
W. C. G. Hobbs,	Emmett Orr,	R. E. Watkins,
John T. Hinton,	Chas. F. Ogden,	David Woods-53.
J. P. Haswell, Jr.,	Harry C. Pulliam,	

Those who voted in the negative were:

W. T. Chilton,	W. J. Mears,	J. S. Robey,
A. S. Denton,	Noah Marsee,	S. Atwood Smith,
J. B. Depp,	John M. Moore,	O. P. Searcy,
M. T. Freeman,	J. Mc. Meloan,	G. B. Stout,
C. W. Haverly,	Chas. Aaron Nelson,	Ham. Shehan,
J. H. Hall,	L. J. Owen,	A. J. Thompson,
G. W. Hickman,	W. C. Pike,	H. S. Vanzant,
J. A. Ingram,	V. Perkins,	L. E. Weatherford,
Reuben Morris,	R. E. Richardson,	R. C. Walker,
J. R. Mount,	E. H. Read,	Jas. H. Williams-30.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The hour of 11:30 o'clock having arrived the House took up for consideration the special order for that hour, viz:

H. B. 70. An act appropriating money to pay certain claims due the sheriffs and jailer of Menifee County, and directing the Auditor of Public Accounts to draw his warrant on the treasurer of the State of Kentucky in favor of J. B. Lyons, sheriff, W. Bramham, deputy sheriff and Thos. Greenwade, jailer.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, the General Assembly of the Commonwealth of Kentucky, in its regular session for 1894, did, by act, make legal certain claims in favor of the sheriffs and jailor of Menefee county against the Commonwealth of Kentucky, and

Whereas, the said act failed to make appropriation of funds to pay the same with, and

Whereas, the auditor did, in compliance with the mandates of said act, audit and report same to the House, then in session. House Journal, session 1894, page 875, as follows, to-wit:

J. B. Lyons, sheriff's account, \$66.90; Thos. Greenwade, jailer's account, for guards, \$147.00; Wilson Branham, sheriff's account, for guards, \$96.00; S. B. Lyons, sheriff's account, for guards, \$201.70; J. B. Lyons, sheriff's account, for guards, \$28.00; J. B. Lyons, sheriff and guard conveying prisoner by way of Catlettsburg to penitentiary, \$206.02. Total, \$745.62.

And, whereas, the Commonwealth of Kentucky has never paid said sum of money, or any part thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the auditor of public accounts for the State of Kentucky shall draw his warrant on the Treasurer of the State of Kentucky in favor of the said J. B. Lyons for the sum of \$502.62; to Wilson Branham for the sum of \$96.00, and to Thos. Greenwade for the sum of \$147.00.

That the said sums be paid out of the general expense funds belonging to the State of Kentucky, or any other money belonging to the Commonwealth of Kentucky not otherwise appropriated.

Whereas, this expenditure has long since been made and has been a great hardship on these officers to wait so long for their money, the emergency is declared to exist, and this act shall go into effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	James M. Hall,	Harry C. Pulliam,
B. W. Bradburn,	J. H. Hall,	E. Petty,
J. L. Brown,	W. B. Henderson,	D. S. Powers,



George H. Bishop,	G. W. Hickman,	V. Perkins,
W. H. Cole,	Anderson Hatfield,	A. B. Pieratt,
A. H. Charlton,	D. D. Lykins,	L. C. Rawlings,
W. W. Combs,	Joseph F. Laufer,	W. H. Ragland,
T. W. Clark,	John M. Letterle,	E. H. Read,
W. T. Chilton,	J. M. Lee,	J. S. Robey,
W. H. Cooke,	J. R. Mallory,	F. G. Shepherd,
J. C. Cantrill,	J. D. Mocquot,	O. P. Searcy.
J. E. Cahill,	Reuben Morris,	Miles Spurlock,
J. Morgan Chinn,	J. R. Mount,	Waller Sharp,
A. S. Denton,	W. J. Mears,	G. B. Stout,
Claude Desha,	Noah Marsee,	Ham. Shehan,
J. B. Depp,	John M. Moore,	A. J. Thompson,
W. W. Gill,	F. May,	South Trimble,
W. C. Holland,	J. H. Minor,	George Traver,
J. S. Hood,	W. A. Morris,	C. A. Wilson,
J. A. Humphreys,	M. F. North,	C. B. Wheeler,
W. C. G. Hobbs,	Michael O'Sullivan,	Jas. H. Williams—63.

Those who voted in the negative were:

Reuben Conner,	Chas. Aaron Nelson,	W. T. Sharp,
J. P. Haswell, Jr.,	Chas. F. Ogden,	B. F. Saunders,
J. A. Ingram,	L. J. Owen,	H. S. Vanzant,
J. P. Jeffries,	W. C. Pike,	L. E. Weatherford,
R. C. Myers,	R. E. Richardson,	R. E. Watkins,
J. Mc. Meloan,	Andrew Sargent,	R. C. Walker—18.

Resolved; That said bill do pass, and that the title thereof be as aforesaid:

A message was received from the Senate announcing that they were ready to proceed with the execution of the joint order of the day, viz: The election of a State Librarian.

Mr. Charlton moved that the Speaker of the House appoint a Committee of three to wait upon the Senate and inform them that the House was ready to proceed with the execution of said joint order.

Said motion was adopted.

Whereupon, the Speaker appointed as said committee Messrs. Charlton, Gill and May.

After a time the committee reported that they had discharged the duty assigned them.

The Senate entered the Hall of the House in order, the President of the Senate taking a seat at the right of the Speaker of the House, and presiding. .

Upon the call of the roll the following Senators and members responded to their names, viz:

Senators:

Geo. H. Alexander,	Newton Frazier,	H. G. Petrie,
W. J. Bale,	J. C. Gillespie,	A. D. Roberts,
John Bennett,	William Goebel,	J. D. Rummans,
C. J. Bronston,	Thos. H. Hays,	Jas. W. Shanks,
R. B. Brown,	J. J. Johnson,	Fenton Sims,
L. H. Carter,	R. M. Jolly,	C. Stege,
W. H. Clark,	W. H. Jones,	J. M. Thomas,
R. C. Crenshaw,	W. O. Jones,	R. S. Triplett,
Wm. Dingus,	James S. Lay,	T. G. Turner,
T. J. Elmore,	C. C. McChord,	W. T. Voiers,
G. T. Farris,	J. H. McConnell,	T. R. Welch—35.
McD. Ferguson,	W. E. Miller,	

Representatives:

M. Abele,	Anderson Hatfield,	A. B. Pieratt,
B. W. Bradburn,	J. A. Ingram,	L. C. Rawlings,
J. L. Brown,	J. P. Jeffries,	W. H. Ragland,
George H. Bishop,	D. D. Lykins,	R. E. Richardson,
W. H. Cole,	Joseph F. Laufer,	E. H. Read,
Reuben Conner,	John M. Letterle,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	S. Atwood Smith,
W. W. Combs,	J. R. Mallory,	F. G. Shepherd,
T. W. Clark,	J. D. Mocquot,	Andrew Sargent,

W. T. Chilton,	Reuben Morris,	W. T. Sharp,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. C. Cantrill,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	R. C. Myers,	Waller Sharp,
J. Morgan Chinn,	Noah Marsee,	G. B. Stout,
A. S. Denton,	John M. Moore,	Ham. Shehan,
Claude Desha,	F. May,	B. F. Saunders,
J. B. Depp,	J. H. Minor,	A. J. Thompson,
M. T. Freeman,	W. A. Morris,	Frank M. Tracy,
W. W. Gill,	J. Mc. Meloan,	South Trimble,
W. C. Holland,	M. F. North,	George Traver,
C. W. Haverly,	Chas. Aaron Nelson,	H. S. Vanzant,
J. S. Hood,	Emmett Orr,	L. E. Weatherford,
J. A. Humphreys,	Chas. F. Ogden,	C. A. Wilson,
W. C. G. Hobbs,	Michael O'Sullivan,	C. B. Wheeler,
James M. Hall,	L. J. Owen,	R. E. Watkins,
J. H. Hall,	Harry C. Pulliam,	R. C. Walker,
John T. Hinton,	E. Petty,	David Woods,
J. P. Haswell, Jr.,	W. C. Pike,	J. D. Wills,
W. B. Henderson,	D. S. Powers,	Jas. H. Williams,
G. W. Hickman,	V. Perkins,	Spkr. Beckham—90.

A quorum being present the President of the Senate announced that nominations for State Librarian were in order.

Senator Hays named Miss Pauline Helen Hardin, of Jefferson County, as a suitable person for State Librarian.

Senator W. H. Jones named Miss Nora Vanzant, of Metcalfe County, as a suitable person for State Librarian.

A ballot being taken between those in nomination, resulted as follows, viz :

Those who voted for Miss Hardin were :

In Senate :

Geo. H. Alexander,	Newton Frazier,	J. H. McConnell,
W. J. Bale,	J. C. Gillespie,	A. D. Roberts,
C. J. Bronston,	William Goebel,	James W. Shanks,

R. B. Brown,	Thos. H. Hays,	Fenton Sims,
L. H. Carter,	J. J. Johnson,	J. M. Thomas,
R. C. Crenshaw,	W. O. Jones,	R. S. Triplett,
T. J. Elmore,	James S. Lay,	W. T. Voiers,
G. T. Farris,	C. C. McChord,	T. R. Welch—25.
McD. Ferguson,		

Those who voted for Miss Vanzant were:

John Bennett,	W. H. Jones,	J. D. Rummans,
W. H. Clark,	W. E. Miller,	C. Stege,
Wm. Dingus,	H. G. Petrie,	T. G. Turner—10.
R. M. Jolly,		

In House of Representatives:

Those who voted for Miss Hardin were:

M. Abele,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	Joseph F. Laufer,	R. E. Richardson,
J. L. Brown,	John M. Letterle,	J. S. Robey,
George H. Bishop,	J. M. Lee,	S. Atwood Smith,
Reuben Conner,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. D. Mocquot,	O. P. Searcy,
W. W. Combs,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	Waller Sharp,
W. T. Chilton,	John M. Moore,	G. B. Stout,
W. H. Cooke,	W. A. Morris,	Ham. Shehan,
J. C. Cantrill,	J. Mc. Meloan,	B. F. Saunders,
J. E. Cahill,	M. F. North,	A. J. Thompson,
J. Morgan Chinn,	Chas. Aaron Nelson,	Frank M. Tracy,
A. S. Denton,	Emmett Orr,	South Trimble,
Claude Desha,	Michael O'Sullivan,	George Traver,
J. B. Depp,	L. J. Owen,	L. E. Weatherford,
W. W. Gill,	Harry C. Pulliam,	C. A. Wilson,
W. C. Holland,	E. Petty,	R. E. Watkins,
J. A. Humphreys,	W. C. Pike,	R. C. Walker,
W. C. G. Hobbs,	V. Perkins,	J. D. Wills,
John T. Hinton,	A. B. Pieratt,	Jas. H. Williams,
W. B. Henderson,	L. C. Rawlings,	Spkr. Beckham—66.

Those who voted for Miss Vanzant were:

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
M. T. Freeman,	J. P. Jeffries,	D. S. Powers,
C. W. Haverly,	D. D. Lykins,	E. H. Read,
J. S. Hood,	Reuben Morris,	Andrew Sargent,
James M. Hall,	R. C. Myers,	W. T. Sharp,
J. H. Hall,	Noah Marsee,	H. S. Vanzant,
J. P. Haswell, Jr.,	F. May,	C. B. Wheeler,
Anderson Hatfield,	J. H. Minor,	David Woods—24.

The President announced that Miss Hardin having received a majority of all the votes cast, was duly elected State Librarian for a term of two years from the expiration of the term of the present incumbent.

Senator Jones moved that the joint assembly do now dissolve.

Said motion was adopted.

The Senate retiring, the Speaker resumed the chair.

The House took from the orders of the day bills as follows, viz:

H. B. 105. An act to amend section 950, subdivision 2, article 1, chapter 35, Kentucky Statutes.

H. B. 172. An act to regulate the business of foreign corporations, &c.

Said bills were severally read the second time and placed in the orders of the day.

The House took from the orders of the day:

H. B. 76. An act concerning the salaries of officers of towns of the sixth class.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 3693 of subdivision 7, article 7, of chapter 89, session acts of July 1, 1893, be, and the same is hereby, amended and re-enacted as follows, to-wit: by adding the words "police judge" before the word "clerk," so as to read as follows:

Section 3693. The police judge, clerk, treasurer, assessor, and marshal may severally receive, at stated times, a compensation to be fixed by ordinance by the board of trustees, which compensation shall not be increased or diminished after their election or during their several terms of office.

Sec. 2. That as, under the present law, there are towns of the sixth class, unable to fill the office of police judge for the fees of this office alone; Therefore, the citizens thereof are without proper police protection, so an emergency is hereby declared to exist, and this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	D. S. Powers,
B. W. Bradburn,	J. A. Ingram,	V. Perkins,
J. L. Brown,	J. P. Jeffries,	A. B. Pieratt,
George H. Bishop,	D. D. Lykins,	L. C. Rawlings,
W. H. Cole,	Joseph F. Laufer,	W. H. Ragland,
Reuben Conner,	John M. Letterle,	R. E. Richardson,
A. H. Charlton,	J. M. Lee,	E. H. Read,
W. W. Combs,	J. R. Mallory,	J. S. Robey,
T. W. Clark,	J. D. Mocquot,	F. G. Shepherd,
W. T. Chilton,	Reuben Morris,	Andrew Sargent,
W. H. Cooke,	J. R. Mount,	W. T. Sharp,
J. E. Cahill,	W. J. Mears,	O. P. Searcy,
J. Morgan Chinn,	R. C. Myers,	Miles Spurlock,
A. S. Denton,	Noah Marsee,	Waller Sharp,
Claude Desha,	John M. Moore,	G. B. Stout,
J. B. Depp,	W. H. McKee,	Ham. Shehan,

M. T. Freeman,	F. May,	B. F. Saunders,
W. W. Gill,	J. H. Minor,	A. J. Thompson,
W. C. Holland,	W. A. Morris,	Frank M. Tracy,
C. W. Haverly,	J. Mc. Meloan,	George Traver,
J. S. Hood,	M. F. North,	L. E. Weatherford,
J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Emmett Orr,	C. B. Wheeler,
J. H. Hall,	Chas. F. Ogden,	R. C. Walker,
John T. Hinton,	Michael O'Sullivan,	David Woods,
J. P. Haswell, Jr.,	L. J. Owen,	J. D. Wills,
W. B. Henderson,	Harry C. Pulliam,	Jas. H. Williams—83.
G. W. Hickman,	E. Petty,	

Those who voted in the negative were:

W. C. Pike, H. S. Vanzant—2.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 26. An act to require owners of dams across certain streams in this Commonwealth, to construct and keep in repair fish roads or ladders over said dams.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That any person who now owns, or may hereafter own any dam constructed across any stream in this Commonwealth inhabited by fish suitable for food, and where the annual tides do not admit the passage of fish over said dams, shall be required to construct and keep in repair, during the months of March, April and May of each year, fish roads, or ladders, constructed in such way as to admit the passage of fish over said dams.

Sec. 2. That any person failing to comply with the provis-

ions of this act, shall, for each of the said months of March, April, and May, he so fails, shall be fined the sum of one hundred dollars.

Sec. 3. That this act shall not apply to locks and dams built across large streams for the purpose of facilitating navigation.

Sec. 4. This act shall take effect and be in force within ninety days after the adjournment of the General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Hall,	W. C. Pike,
B. W. Bradburn,	John T. Hinton,	D. S. Powers,
J. L. Brown,	J. P. Haswell, Jr.,	V. Perkins,
George H. Bishop,	W. B. Henderson,	L. C. Rawlings,
W. H. Cole,	Anderson Hatfield,	W. H. Ragland,
Reuben Conner,	J. A. Ingram,	E. H. Read,
A. H. Charlton,	D. D. Lykins,	J. S. Robey,
W. W. Combs,	Joseph F. Laufer,	S. Atwood Smith,
T. W. Clark,	John M. Letterle,	F. G. Shepherd,
W. T. Chilton,	J. M. Lee,	Andrew Sargent,
W. H. Cooke,	J. R. Mallory,	W. T. Sharp,
J. C. Cantrill,	J. R. Mount,	Miles Spurlock,
J. E. Cahill,	W. J. Mears,	A. J. Thompson,
J. Morgan Chinn,	Noah Marsee,	Frank M. Tracey,
A. S. Denton,	John M. Moore,	South Trimble,
M. T. Freeman,	J. H. Minor,	George Traver,
W. W. Gill,	M. F. North,	H. S. Vanzant,
W. C. Holland,	Emmett Orr,	L. E. Weatherford,
C. W. Haverly,	Chas. F. Ogden,	C. A. Wilson,
J. A. Humphreys,	Michael O'Sullivan,	R. E. Watkins,
W. C. G. Hobbs,	L. J. Owen,	David Woods,
James M. Hall,	Harry C. Pulliam,	Jas. H. Williams-66



Those who voted in the negative were:

J. B. Depp,	J. Mc. Meloan,	Waller Sharp,
J. S. Hood,	Chas. Aaron Nelson,	Ham. Shehan,
J. P. Jeffries,	E. Petty,	B. F. Saunders,
Reuben Morris,	A. B. Pieratt,	C. B. Wheeler,
R. C. Myers,	R. E. Richardson,	R. C. Walker,
W. A. Morris,	O. P. Searcy,	J. D. Wills—18.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 9. An act to prevent discrimination of corporations or individuals against members of labor organizations, and providing penalties for the violation of this act.

Mr. Bradburn moved to recommit said bill to the Committee on Corporate Institutions.

Said motion was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Section 1. That it shall be unlawful for any person, company or corporation, or the agent, officer, manager, superintendent, master mechanic or foreman of any person, company or corporation to prevent employees from joining and belonging to labor organizations, and any such person, company or corporation, or any agent, manager, superintendent, master mechanic, or other officer of any person, company or corporation that coerces or attempts to coerce employees by discharging or threatening to discharge said employees because of their connection or affiliation with such labor organization shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars.

Sec. 2. That any person, company or corporation being convicted of any of the acts prohibited in section 1 of this act shall be liable to the person injured in exemplary or punitive damages not to exceed two thousand dollars, to be recovered by civil action, and in addition thereto a reasonable attorney fee to be recovered in said civil action for damages.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	A. B. Pieratt,
B. W. Bradburn,	J. P. Jeffries,	L. C. Rawlings,
J. L. Brown,	Joseph F. Laufer,	W. H. Ragland,
George H. Bishop,	John M. Letterle,	R. E. Richarkson,
W. H. Cole,	J. M. Lee,	E. H. Read,
Reuben Conner,	J. R. Mallory,	J. S. Robey,
A. H. Charlton,	J. D. Mocquot,	S. Atwood Smith,
W. W. Combs,	Reuben Morris,	F. G. Shepherd,
T. W. Clark,	J. R. Mount,	Andrew Sargent,
W. T. Chilton,	W. J. Mears,	O. P. Searcy,
W. H. Cooke,	R. C. Myers,	Miles Spurlock,
J. C. Cantrill,	John M. Moore,	Waller Sharp,
J. Morgan Chinn,	W. H. McKee,	Ham. Shehan,
A. S. Denton,	J. H. Minor,	B. F. Saunders,
Claude Desha,	W. A. Morris,	A. J. Thompson,
J. B. Depp,	J. Mc. Meloan,	Frank M. Tracy,
M. T. Freeman,	M. F. North,	South Trimble,
W. C. Holland,	Chas. Aaron Nelson,	George Traver,
C. W. Haverly,	Emmett Orr,	H. S. Vanzant,
J. A. Humphreys,	Chas. F. Ogden,	L. E. Weatherford,
W. C. G. Hobbs,	Michael O'Sullivan,	C. A. Wilson,
J. H. Hall,	L. J. Owen,	R. E. Watkins,
John T. Hinton,	Harry C. Pulliam,	R. C. Walker,
J. P. Haswell, Jr.,	E. Petty,	David Woods,
W. B. Henderson,	W. C. Pike,	J. D. Wills,
G. W. Hickman,	D. S. Powers,	Jas. H. Williams-80,
Anderson Hatfield,	V. Perkins,	

Those who voted in the negative were:

J. E. Cahill,	D. D. Lykins,	F. May,
J. S. Hood,	Noah Marsee,	C. B. Wheeler—6.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Charlton moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

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WEDNESDAY, JANUARY 26, 1898.

The House was opened with prayer by Rev. Geo. H. Means, of the M. E. Church, South.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Myers moved the adoption of the following resolution, viz:

Whereas, The Senate has adopted a resolution clothing the President of that body with the power of appointing two Republicans as additional members of the Standing Committee on Penitentiary and House of Reform for the purpose of investigating said institutions; therefore, be it

Resolved, By the House of Representatives that the Speaker be requested, and is hereby authorized to appoint two Republicans to act in conjunction with the Standing Committee on State Prisons and House of Reforms for the purpose of investigating the State institutions.

Said resolution was adopted.

Whereupon, the Speaker appointed Messrs. Myers and Jarnagin as additional members of said committee.

The committees to whom the same had been referred, reported bills as follows, viz:

By Mr. S. A. Smith from the Committee on Municipalities:

H. B. 143. An act to repeal and re-enact section 31 of article 5 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky relating to city clerks."

By Mr. Mocquot, from the Committee on Codes of Practice:

H. B. 148. An act to amend section 273, Civil Code of Practice, relating to injunctions.

By Mr. Mallory, from the Committee on Criminal Law:

H. B. 141. An act to amend and re-enact section 1951, chapter 57, Kentucky Statutes, or section 13, chapter 28, acts of 1894, entitled, "An act to protect game and small birds."

By Mr. Desha, from the Committee on Corporate Institutions:

H. B. 30. An act to regulate the charges of stock yards in this Commonwealth.

Which bills were severally read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

The committees to whom the same had been referred reported bills as follows, viz:

By Mr. S. A. Smith, from the Committee on Municipalities:

H. B. 108. An act to amend an act entitled, "An act for the government of cities of the first class," and being section 2826 of the Kentucky Statutes.

By Mr. Stout, from the Committee on Insurance:

H. B. 152. An act concerning the writing of policies of fire insurance.

By Mr. Chinn, from the Committee on Judiciary:

H. B. 53. An act repealing sections 98, 99, 100 and 101 of the Kentucky Statutes, and providing regulations for the admission of persons to the practice of the law.

By same:

H. B. 16. An act to regulate admission to the bar.

By same:

H. B. 155. An act to amend section 99, article 11, chapter 8 of the Kentucky Statutes.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the Committee to the contrary notwithstanding it was decided in the negative.

So said bills were rejected.

Mr. Stout, from the Committee on Insurance, to whom the same had been recommitted, reported,

H. B. 1. An act regulating fire insurance companies and their agents, to do business in this State, and providing penalties for the violation of the provisions of this act.

With a substitute proposed for said bill by the committee.

Said bill was read the first time in full.

Ordered that said bill and substitute be printed and placed in the orders of the day, and be read the second time on some other day.

Mr. Letterle was granted permission to withdraw:

H. B. 107. An act to protect the people from real estate sharks.

Mr. Desha, from the Committee on Corporate Institutions, reported:

H. B. 156. An act entitled, "An act concerning attachments against property of insolvent persons or corporations."

Without an expression of opinion.

Ordered that said bill be recommitted to the Committee on Judiciary.

Mr. Orr was granted permission to withdraw:

H. H. 167. An act to amend section 1460 of the Statutes of Kentucky relating to election laws.

Mr. Charlton, from the Committee on Warehouses and Granaries, to whom the same had been recommended, reported.

H. B. 110. An act to amend section 1946, chapter 57, of the Kentucky Statutes.

Ordered that said bill be recommitted to the Committee on Banks and Banking.

Mr. Henderson from the Committee on Legislative Accounts, reported.

H. Res. 8. Resolution authorizing the Librarian to purchase additional copies of the Code of Practice.

A message was received from the Senate announcing that they had passed a bill which originated in that body, entitled:

S. B. 43. An act concerning causes of action against and liabilities of master and servant, employer and employees, principal and agent, lessor and lessee, for acts, omissions, defaults, neglects and torts of the servant, employee, agent, or lessee, and actions thereon or therefor.

Ordered that said bill be referred to the Committee on Judiciary.

Mr. Chinn, from the Committee on Judiciary, to whom the same had been referred, reported:

H. B. 145. An act to abolish the office of Commonwealth's Attorney, and amending article 4 of an act entitled, "An act concerning attorneys-at-law, Attorney-General, attorney for the Commonwealth, attorney for counties," approved October 10, 1892, and prescribing the duties, fees, and emoluments of attorneys for counties.

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the Committee to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being demanded thereon by Messrs. Humphreys and Weatherford, were as follows, viz:

Those who voted in the affirmative were:

A. C. Brown,	J. A. Humphreys,	L. J. Owen,
J. L. Brown,	J. H. Hall,	D. S. Powers,
W. H. Cole,	J. P. Haswell, Jr.,	V. Perkins,
Reuben Conner,	J. P. Jeffries,	R. E. Richardson,
W. W. Combs,	R. C. Jarnagin,	E. H. Read,
T. W. Clark,	J. M. Lee,	J. S. Robey,
J. E. Cahill,	Reuben Morris,	Andrew Sargent,
A. S. Denton,	R. C. Myers,	W. T. Sharp,
J. B. Depp,	John M. Moore,	South Trimble,
W. W. Gill,	J. H. Minor,	H. S. Vanzant,
W. C. Holland,	Chas. Aaron Nelson,	L. E. Weatherford-34
C. W. Haverly,		

Those who voted in the negative were:

M. Abele,	Joseph F. Laufer,	W. H. Ragland,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
George H. Bishop,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. R. Mount,	O. P. Searcy,
W. T. Chilton,	J. J. Marquette,	Miles Spurlock,
W. H. Cooke,	W. J. Mears,	Waller Sharp,
J. Morgan Chinn,	Noah Marsee,	G. B. Stout,
John Collins,	W. H. McKee,	Ham. Shehan,
Claude Desha,	F. May,	B. F. Saunders,
M. T. Freeman,	W. A. Morris,	A. J. Thompson,
J. S. Hood,	J. Mc. Meloan,	Frank M. Tracy,
W. C. G. Hobbs,	M. F. North,	C. A. Wilson,
James M. Hall,	Emmett Orr,	C. B. Wheeler,

John T. Hinton,	Chas. F. Ogden,	R. E. Watkins,
W. B. Henderson,	Michael O'Sullivan,	R. C. Walker,
G. W. Hickman,	Harry C. Pulliam,	David Woods,
Anderson Hatfield,	E. Petty,	J. D. Wills,
J. A. Ingram,	W. C. Pike,	Jas. H. Williams—56
D. D. Lykins,	A. B. Pieratt,	

So said bill was rejected.

The House took from the orders of the day bills of the following titles, viz:

H. B. 125. An act to regulate the analysis of fertilizers within the Commonwealth.

H. B. 170. An act to regulate the pay of laborers in this Commonwealth.

H. B. 32. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to classes to which they belong."

H. B. 133. An act to regulate the practice of embalming in this Commonwealth.

H. B. 184. An act to regulate the cost of taking depositions in shorthand.

H. B. 185. An act to amend section 580 of the Civil Code of Practice concerning evidence and the manner of taking depositions, and the re-enactment of said section as amended.

H. B. 43. An act to amend and re-enact section 4443 of article 8 of chapter 113 of Kentucky Statutes, being section 79 of the Common School law of 1896, of an act to provide an efficient system of common schools throughout this State.

H. B. 122. An act to amend an act entitled, "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

H. B. 93. An act continuing the Kentucky State Dental Association, and defining the duties of said association, and regulating the practice of dentistry in this State.



H. B. 166. An act to regulate the sale of leaf tobacco in the public markets of Kentucky.

H. B. 87. An act to amend section 28 of article 6 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky, relating to city jailers."

H. B. 75. An act to amend section 4434, article 8 of the Kentucky Statutes, entitled, "District trustees."

H. Res. 9. Resolution adopting the Kentucky Statutes compiled and edited by J. Barbour and Jno. D. Carroll.

Which bills and resolution were severally read the second time, and placed in the orders of the day.

The House took from the orders of the day:

H. B. 11. An act to abolish the office of Register of the Land Office, and consolidate with the office of Auditor of Public Accounts.

Mr. North moved a substitute for said bill.

Ordered that said bill be recommitted to the Committee on Judiciary.

The House took from the orders of the day:

H. B. 14. An act to amend section 10 of an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the first class,'" approved March 23, 1896.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 10 of an amendment to the act entitled, "An act for the government of cities of the first class," approved, be amended so as to read as follows:

"The Board of Public Safety shall have power, in its discretion, on conviction by said board, or by any court or officer of competent jurisdiction, of a member of the force or a member

of the fire department, of any legal or criminal offense, or neglect of duty, violation of rules or neglect, or disobedience of orders, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct, or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand suspension without pay during suspension, or by dismissal from the force or fire department; but no member or members of the police force or fire department shall be suspended without pay for more than five days for any offense. And during the period of suspension no member or members of said police force or fire department under suspension shall be required to do police duty, or duty in the fire department, without just compensation for the same. The board is also authorized and empowered, in their discretion, to deduct and withhold pay, salary or compensation from any member or members of the police force or fire department, for, or on account of absence for any cause without leave, sickness or other disability, physical or mental. And said board is authorized from time to time to make and prescribe rules and regulations to carry into effect and enforce the provisions of this section.

Sec. 2. This act to take effect from its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	W. C. Pike,
B. W. Bradburn,	Anderson Hatfield,	D. S. Powers,
A. C. Brown,	J. A. Ingram,	V. Perkins,
J. L. Brown,	J. P. Jeffries,	A. B. Pieratt,
Geo. H. Bishop,	R. C. Jarnagin,	W. H. Ragland,
W. H. Cole,	D. D. Lykins,	R. E. Richardson,
Reuben Conner,	Joseph F. Laufer,	E. H. Read,
A. H. Charlton,	John M. Letterle,	J. S. Robey,
W. W. Combs,	J. M. Lee,	S. Atwood Smith,
T. W. Clark,	J. R. Mallory,	F. G. Shepherd,

W. T. Chilton,	J. D. Mocquot,	Andrew Sargent,
W. H. Cooke,	Reuben Morris,	W. T. Sharp,
J. E. Cahill,	J. J. Marquette,	O. P. Searcy,
John Collins,	W. J. Mears,	Miles Spurlock,
A. S. Denton,	R. C. Meyers,	Waller Sharp,
Claude Desha,	Noah Marsee,	G. B. Stout,
M. T. Freeman,	John M. Moore,	Ham. Shehan,
W. W. Gill,	W. H. McKee,	B. F. Saunders,
W. C. Holland,	J. H. Minor,	A. J. Thompson,
C. W. Haverly,	W. A. Morris,	H. S. Vanzant,
J. S. Hood,	J. Mc. Meloan,	L. E. Weatherford,
J. A. Humphreys,	M. F. North,	C. A. Wilson,
W. C. G. Hobbs,	Chas. Aaron Nelson,	R. E. Watkins,
James M. Hall,	Chas. F. Ogden,	R. C. Walker,
J. H. Hall,	Michael O'Sullivan,	David Woods,
John T. Hinton,	L. J. Owen,	J. D. Wills,
J. P. Haswell, Jr.,	Harry C. Pulliam,	Jas. H. Williams—83
W. B. Henderson,	E. Petty,	

Those who voted in the negative: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 29. An act to repeal chapter 1562 of the session acts of 1887-8, entitled, "An act to establish a State Board of Equalization and Assessments in this Commonwealth, and the act amendatory thereto of session acts 1889-90, and also article 16 of chapter 108 of the Kentucky Statutes."

Ordered that said bill be recommitted to the Committee on Revenue and Taxation.

The House took from the orders of the day:

H. B. 44. An act to amend section 1944 of chapter 57 of the Kentucky Statutes, entitled, "Game and birds."

Mr. J. L. Brown moved an amendment to said bill.

Mr. Mocquot moved an amendment to said bill.

Ordered that said bill and amendments be recommitted to the Committee on Criminal Law.

The House took from the orders of the day:

H. B. 47. An act to amend section 822 of chapter 32, article 3, title, "Corporations—Private," of the Kentucky Statutes relating to expenses of Railroad Commissioners.

Ordered that said bill be recommitted to the Committee on Railroads.

The House took from the orders of the day:

H. B. 48. An act to repeal an act entitled, "An act to organize and establish a system of public graded schools in Madisonville, Hopkins County," approved April 16, 1888.

Ordered that that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the act entitled, "An act to organize and establish a system of graded schools in Madisonville, Hopkins County," approved April 16, 1888, be and the same is hereby repealed.

Sec. 2. This act shall take effect from its passage because the emergency requires that the provisions of the common school law shall immediately operate in the territory effected by said special act.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	E. Petty,
B. W. Bradburn,	Anderson Hatfield,	W. C. Pike,
A. C. Brown,	J. A. Ingram,	D. S. Powers,

J. L. Brown,	J. P. Jeffries,	V. Perkins,
George H. Bishop,	R. C. Jarnagin,	A. B. Pieratt,
W. H. Cole,	D. D. Lykins,	W. H. Ragland,
Reuben Conner,	Joseph F. Laufer,	R. E. Richardson,
A. H. Charlton,	John M. Letterle,	E. H. Read,
W. W. Combs,	J. M. Lee,	J. S. Robey,
T. W. Clark,	J. R. Mallory,	S. Atwood Smith,
W. T. Chilton,	J. D. Mocquot,	F. G. Shepherd,
W. H. Cooke,	Reuben Morris,	Andrew Sargent,
J. E. Cahill,	J. J. Marquette,	W. T. Sharp,
A. S. Denton,	W. J. Mears,	O. P. Searcy.
Claude Desha,	R. C. Myers,	Miles Spurlock,
J. B. Depp,	Noah Marsee,	Waller Sharp,
M. T. Freeman,	John M. Moore,	G. B. Stout,
W. W. Gill,	W. H. McKee,	Ham. Shehan,
W. C. Holland,	F. May,	B. F. Saunders,
C. W. Haverly,	J. H. Minor,	A. J. Thompson,
J. S. Hood,	W. A. Morris,	South Trimble,
J. A. Humphreys,	M. F. North,	H. S. Vanzant,
W. C. G. Hobbs,	Chas. Aaron Nelson,	L. E. Weatherford,
James M. Hall,	Emmett Orr,	C. A. Wilson,
J. H. Hall,	Chas. F. Ogden,	R. E. Watkins,
John T. Hinton,	Michael O'Sullivan,	R. C. Walker,
J. P. Haswell, Jr.,	L. J. Owen,	David Woods,
W. B. Henderson,	Harry C. Pulliam,	Jas. H. Williams—84.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 49. An act to change the name of the town of Dawson City.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the name of the town of Dawson City, in Hopkins County, Kentucky, be and the same is hereby changed to Dawson Springs.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	W. C. Pike,
B. W. Bradburn,	Anderson Hatfield,	D. S. Powers,
A. C. Brown,	J. A. Ingram,	V. Perkins,
J. L. Brown,	J. P. Jeffries,	A. B. Pieratt,
W. H. Cole,	R. C. Jarnagin,	W. H. Ragland,
Reuben Conner,	D. D. Lykins,	R. E. Richardson,
A. H. Charlton,	Joseph F. Laufer,	E. H. Read,
W. W. Combs,	John M. Letterle,	J. S. Robey,
T. W. Clark,	J. M. Lee,	S. Atwood Smith,
W. T. Chilton,	J. R. Mallory,	F. G. Shepherd,
W. H. Cooke,	Reuben Morris,	W. T. Sharp,
J. E. Cahill,	J. J. Marquette,	O. P. Searcy,
J. Morgan Chinn,	W. J. Mears,	Miles Spurlock,
John Collins,	Noah Marsee,	G. B. Stout,
A. S. Denton,	John M. Moore,	Ham. Shehan,
Claude Desha,	W. H. McKee,	B. F. Saunders,
M. T. Freeman,	F. May,	A. J. Thompson,
W. W. Gill,	J. H. Minor,	Frank M. Tracy,
W. C. Holland,	W. A. Morris,	South Trimble,
C. W. Haverly,	J. Mc. Meloan,	H. S. Vanzant,
J. S. Hood,	Chas. Aaron Nelson,	L. E. Weatherford.
J. A. Humphreys,	Emmett Orr,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
James M. Hall,	Michael O'Sullivan,	R. C. Walker,
J. H. Hall,	L. J. Owen,	David Woods,
John T. Hinton,	Harry C. Pulliam,	J. D. Wills,

J. P. Haswell, Jr.,  
W. B. Henderson,

E. Petty,

Jas. H. Williams—82.

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 55. An act providing for the transportation of bicycles as baggage by all railroads operating in this Commonwealth.

Mr. Tracy moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Bicycles are hereby declared to be baggage within the meaning of section 783, Kentucky Statutes, and shall be transported free, as baggage for passengers, by all railroad companies operating in this State, and no passenger shall be required to crate, cover, or otherwise protect any such bicycle; provided, however, that a railroad corporation shall not be required to transport under the provisions of this act more than one bicycle for a single person.

Sec. 2. Any railroad corporation refusing to transport bicycles, or refusing to accept same for transportation as baggage, in violation of the next preceding section, shall forfeit and pay to such passenger the sum of ten dollars for each and every offense, to be recovered in a civil action in any court of competent jurisdiction.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

## Those who voted in the affirmative were:

T. H. Armstrong,	J. P. Jeffries,	Harry C. Pulliam,
J. L. Brown,	R. C. Jarnagin,	E. Petty,
George H. Bishop,	Joseph F. Laufer,	D. S. Powers,
W. H. Cole,	J. R. Mallory,	V. Perkins,
A. H. Charlton,	J. D. Mocquot,	W. H. Ragland,
T. W. Clark,	J. R. Mount,	R. E. Richardson,
W. T. Chilton,	R. C. Myers,	E. H. Read,
J. Morgan Chinn,	Noah Marsee,	J. S. Robey,
A. S. Denton,	John M. Moore,	S. Atwood Smith,
Claude Desha,	W. H. McKee,	Andrew Sargent,
M. T. Freeman,	F. May,	W. T. Sharp,
C. W. Haverly,	J. H. Minor,	O. P. Searcy,
J. S. Hood,	W. A. Morris,	B. F. Saunders,
J. A. Humphreys,	J. Mc. Meloan,	Frank M. Tracy,
W. C. G. Hobbs,	M. F. North,	South Trimble,
John T. Hinton,	Chas. Aaron Nelson,	H. S. Vanzant,
J. P. Haswell, Jr.,	Emmett Orr,	C. A. Wilson,
W. B. Henderson,	Chas. F. Ogden,	R. C. Walker,
G. W. Hickman,	Michael O'Sullivan,	Jas. H. Williams—58
J. A. Ingram,		

## Those who voted in the negative were:

B. W. Bradburn,	D. D. Lykins,	Miles Spurlock,
Reuben Conner,	John M. Letterle,	G. B. Stout,
W. H. Cooke,	J. M. Lee,	Ham. Shehan,
J. E. Cahill,	Reuben Morris,	A. J. Thompson,
W. W. Gill,	J. J. Marquette,	L. E. Weatherford,
W. C. Holland,	W. J. Mears,	R. E. Watkins,
James M. Hall,	L. J. Owen,	David Woods,
J. H. Hall,	A. B. Pieratt,	J. D. Wills—26.
Anderson Hatfield,	F. G. Shepherd,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:



H. B. 102. An act to repeal sections 5, 6, and 7, of an act entitled, "An act to prevent lynching and injury to, and destruction of real and personal property in this Commonwealth, at the hands of mobs or other riotous assemblages of persons, and to prohibit the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions," approved May 20, 1897.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections 5, 6 and 7 of an act entitled, "An act to prevent lynching and injury to, and destruction of, real and personal property in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions," approved May 20, 1897, be and the same are hereby repealed.

Whereas, A great number of guards are now being ordered under the provisions of the said sections 5, 6 and 7 of the aforesaid act, at a great expense to different counties in this State, an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	G. W. Hickman,	D. S. Powers,
J. L. Brown,	J. A. Ingram,	V. Perkins,
George H. Bishop,	Joseph F. Laufer,	A. B. Pieratt,
W. H. Cole,	John M. Letterle,	W. H. Ragland,
Reuben Conner,	J. M. Lee,	R. E. Richardson,

A. H. Charlton,	J. R. Mallory,	J. S. Robey,
W. W. Combs,	J. D. Mocquot,	S. Atwood Smith,
T. W. Clark,	J. R. Mount,	F. G. Shepherd,
W. H. Cooke,	J. J. Marquette,	O. P. Searcy,
J. C. Cantrill,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	Noah Marsee,	Waller Sharp,
J. Morgan Chinn,	John M. Moore,	G. B. Stout,
A. S. Denton,	W. H. McKee,	Ham. Shehan,
Claude Desha,	J. H. Minor,	B. F. Saunders,
J. B. Depp,	W. A. Morris,	A. J. Thompson,
W. W. Gill,	J. Mc. MeLoan,	Frank M. Tracy,
W. C. Holland,	M. F. North,	South Trimble,
C. W. Haverly,	Chas. Aaron Nelson,	L. E. Weatherford,
J. S. Hood,	Emmett Orr,	C. A. Wilson,
J. A. Humphreys,	Michael O'Sullivan,	R. E. Watkins,
W. C. G. Hobbs,	L. J. Owen,	R. C. Walker,
James M. Hall,	Harry C. Pulliam,	J. D. Wills,
J. H. Hall,	E. Petty,	Jas. H. Williams—71
W. B. Henderson,	W. C. Pike,	

Those who voted in the negative were:

T. H. Armstrong,	R. C. Jarnagin,	E. H. Read,
W. T. Chilton,	D. D. Lykins,	Andrew Sargent.
John Collins,	Reuben Morris	W. T. Sharp,
M. T. Freeman,	R. C. Myers,	H. S. Vanzant,
J. P. Haswell, Jr.,	F. May,	C. B. Wheeler,
Anderson Hatfield,	Chas. F. Ogden,	David Woods—18.
J. P. Jeffries,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Chinn moved to reconsider the vote by which said bill was passed, and to lay that motion on the table.

Said motion was adopted.

And then the House adjourned.

## THURSDAY JANUARY 27, 1898.

The House was opened with prayer by Rev. Geo. H. Means, of the M. E. Church, South.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Mr. Saunders moved that a resolution heretofore moved by him be called from the Committee on Propositions and Grievances.

Said motion was adopted.

Mr. North from said Committee reported said resolution.

Which was read as follows, viz:

H. Res. 13. Resolution requesting resignation of William Lindsay, United States Senator from Kentucky.

Whereas, The Democratic party of Kentucky is in favor of free and unlimited coinage of both gold and silver at the present legal ratio of 16 to 1; and,

Whereas, The Democratic party is opposed to a single gold standard; and,

Whereas, Said party is opposed to retiring the greenbacks from circulation; and,

Whereas, One, William Lindsay, at present United States Senator from Kentucky, is opposed to the free and unlimited coinage of both gold and silver; and,

Whereas, Said Lindsay is in favor of a single gold standard; and,

Whereas, Said Lindsay is in favor of retiring the greenbacks from circulation; and,

Whereas, Said Lindsay voted against the Democratic nominee for President in 1896; and,

Whereas, Said Lindsay, in 1897, worked in the interest of

the Republican party by speaking against the Democratic nominee for clerk of the Court of Appeals, and, by so doing proved himself an ally to the Republican party; and,

Whereas, Said Lindsay by so voting and working against the interest of the Democratic party, has betrayed the trust reposed in him by his constituents; therefore, be it

Resolved, By the General Assembly of Kentucky, that this body request that said Lindsay resign his seat in the United States Senate and give place for some Democrat who will represent the interest of the Democratic party.

Resolved, further, That a copy of these resolutions be sent to said William Lindsay.

The amendment heretofore moved to said resolution by Mr. Charlton calling upon Senator Deboe to resign also was rejected.

Mr. Nelson moved the following substitute for said resolution, viz:

Whereas, It has always been the policy of the Democratic party to advocate good government, uphold the right and condemn the wrong;

Whereas, Our form of government depends on the integrity and fidelity of its public servants;

Whereas, One, William Lindsay, who now holds a seat in the United States Senate, by virtue of the Democratic party, is now in open rebellion against the principles and policies of that organization; therefore, be it

Resolved, That this House of Kentucky Representatives do hereby demand that said Lindsay advocate the principles and policies of said party as enunciated in the Chicago platform or surrender the commission that he now holds as United States Senator to the people who gave it to him.

Said substitute was adopted.

Mr. Pulliam moved to reconsider the vote by which said substitute was adopted.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Orr and Pulliam were as follows:

Those who voted in the affirmative were:

M. Abele,	J. M. Lee,	S. Atwood Smith,
T. H. Armstrong,	J. R. Mount,	F. G. Shepherd,
Geo. H. Bishop,	W. A. Morris,	O. P. Searcy,
Reuben Conner,	J. Mc. Meloan,	Miles Spurlock,
W. T. Chilton,	Emmett Orr,	Waller Sharp,
J. E. Cahill,	Michael O'Sullivan,	Ham. Shehan,
J. Morgan Chinn,	Harry C. Pulliam,	B. F. Saunders,
A. S. Denton,	E. Petty,	A. J. Thompson,
Claude Desha,	W. C. Pike,	South Trimble,
C. W. Haverly,	V. Perkins,	L. E. Weatherford,
J. A. Humphreys,	A. B. Pieratt,	C. A. Wilson,
W. C. G. Hobbs,	L. C. Rawlings,	R. E. Watkins,
G. W. Hickman,	W. H. Ragland,	J. D. Wills,
J. H. Lackey,	J. S. Robey,	Jas. H. Williams—42.

Those who voted in the negative were:

B. W. Bradburn,	J. H. Hall,	Noah Marsee,
J. L. Brown,	John T. Hinton,	John M. Moore,
W. H. Cole,	W. B. Henderson,	W. H. McKee,
A. H. Charlton,	J. A. Ingram,	J. H. Minor,
T. W. Clark,	R. C. Jarnagin,	M. F. North,
W. H. Cooke,	Joseph F. Laufer,	Chas. Aaron Nelson,
John Collins,	John M. Letterle,	L. J. Owen,
J. B. Depp,	J. R. Mallory,	R. E. Richardson,
M. T. Freeman,	J. J. Marquette,	G. B. Stout,
W. C. Holland,	W. J. Mears,	R. C. Walker—30.

Said substitute was then rejected.

The question then being taken on the adoption of the original resolution, it was decided in the affirmative.

The yeas and nays being demanded thereon by Messrs. Haswell and Chinn were as follows:

Those who voted in the affirmative were:

T. H. Armstrong,	J. R. Mallory,	W. H. Ragland,
A. C. Brown,	J. R. Mount,	R. E. Richardson,
J. L. Brown,	J. J. Marquette,	J. S. Robey,
George H. Bishop,	W. J. Mears,	S. Atwood Smith,
T. W. Clark,	John M. Moore,	F. G. Shepherd,
W. T. Chilton,	W. H. McKee,	O. P. Searcy,
J. C. Cantrill,	W. A. Morris,	Miles Spurlock,
J. E. Cahill,	J. Mc. Meloan,	Waller Sharp,
J. Morgan Chinn,	Chas. Aaron Nelson,	Ham. Shehan,
A. S. Denton,	Emmett Orr,	B. F. Saunders,
Cláude Desha,	Michael O'Sullivan,	A. J. Thompson,
J. B. Depp,	L. J. Owen,	South Trimble,
W. W. Gill,	Harry C. Pulliam,	L. E. Weatherford,
W. C. Holland,	E. Petty,	C. A. Wilson,
J. A. Humphreys,	W. C. Pike,	R. E. Watkins,
W. B. Henderson,	V. Perkins,	R. C. Walker,
G. W. Hickman,	A. B. Pieratt,	J. D. Wills,
J. H. Lackey,	L. C. Rawlings,	Jas. H. Williams—55.
J. M. Lee,		

Those who voted in the negative were:

B. W. Bradburn,	Anderson Hatfield,	J. H. Minor,
W. H. Cole,	J. A. Ingram,	M. F. North,
Reuben Conner,	J. P. Jeffries,	Chas. F. Ogden,
W. H. Cooke,	R. C. Jarnagin,	D. S. Powers,
John Collins,	D. D. Lykins,	E. H. Read,
M. T. Freeman,	Joseph F. Laufer,	W. T. Sharp,
C. W. Haverly,	John M. Letterle,	G. B. Stout,
W. C. G. Hobbs,	J. D. Mocquot,	Frank M. Tracy,
James M. Hall,	Reuben Morris,	H. S. Vanzant,
J. H. Hall,	R. C. Myers,	C. B. Wheeler,
John T. Hinton,	Noah Marsee,	David Woods—35.
J. P. Haswell, Jr.,	F. May,	

Mr. Charlton moved to reconsider the vote by which said resolution was adopted, and moved to lay that motion on the table.

Mr. Williams moved that the clerk of this House transmit a copy of said resolution to Senator Lindsay.

Said motion was adopted.

Mr. Chinn, from the Committee on Contest of A. Bertram v. D. S. Powers, reported as follows:

To the House of Representatives:

Your committee selected to hear and report upon the contest of A. Bertram against D. S. Powers, for Representative in the General Assembly from the Thirty-sixth Representative District, respectfully report that we have heard all the testimony submitted by the parties to the contest, and thereupon find that said A. Bertram was duly elected Representative from said district in the General Assembly, for the following reasons: The official count of said election showed that D. S. Powers had a majority of twenty votes in the district. The uncontroverted testimony showed that in the Illwill precinct, of Clinton county, thirty-four votes were cast by illiterate voters, who swore or affirmed that they were unable to read or write. Of these, according to the ballots as marked, four voted for A. Bertram and thirty for D. S. Powers. The uncontroverted testimony also shows that the ballots of each of these thirty-four votes was marked by one of the election officers and not by the voters; that none of these voters ever had possession of his ballot and never retired with it to the election booth; and that each of these thirty-four votes was folded and deposited in the ballot box by an election officer; that is, that each of the thirty-four votes was cast, not by the voter, but by the election officer. In accordance with the decision and opinion of the Court of Appeals in the case of Major v. Barker, (18 Ky. Law Rep.,) the committee finds that none of said thirty-four votes can be counted, and that

therefore, waiving all the other grounds of this contest, A. Bertram was duly elected by a majority of six votes.

J. MORGAN CHINN,  
C. A. WILSON,  
JOHN M. MOORE,  
R. E. RICHARDSON,  
JAMES W. LEE,  
W. W. COMBS.

Mr. May, from same committee, made the following minority report, viz:

To the Honorable House of Representatives:

The undersigned members of your committee in the contested election case of A. Bertram against D. S. Powers beg to submit the following report:

The claim was made by the notice of contest that the canvassing board of Clinton county was not properly constituted. It, however, had but a ministerial duty to perform, and any irregularity as to it or its conduct relating merely to form and not substance should not, in our opinion, defeat the will of the legal voters. Beside the evidence of the Clinton county court clerk shows that the result certified by the board was exactly what the certified returns from each precinct gave as the true vote of the county.

It was also claimed in the notice that six ballots in the Hays precinct of Clinton county were doubtful ones, and were destroyed instead of being returned by the officers of the election; but it is proven that both the judges there ruled they were spoiled ballots, and, therefore, by law should have been destroyed. It is also claimed that in another precinct (Illwill), in said county the officers were of the same political party. This is disputed. It is shown one of the judges was a Republican and the other a sound money Democrat and a brother-in-law of the contestant, A. Bertram.

The clerk was a Republican and the sheriff a Democrat.



However, the officers of the election were selected by the county judge and not by the voters, and any such irregularity, even if it existed, or irregularities in the conduct of the officers that do not reach to and effect the merit and purity of the election should not vitiate it and disfranchise the voter.

Provisions of law as to the manner of conducting an election and providing what the officers shall do are merely directory, unless non-compliance with them effects the end to be reached, to-wit: A choice by the legal voters. Upon the hearing of this case, however, in committee, the contestant based his claim solely upon the ground that in one precinct (Illwill), of Clinton county there were thirty-four votes cast by voters who made oath that they could not read or write, and several of whom. at least, swore they were physically unable to mark their ballots.

Of these it is claimed thirty voted for Powers and four for Bertram, the clerk of the election marked their ballots, he says, with pencil and they then went into the booths to prepare their ballots. One of these voters says his vote was marked with a pencil; and the testimony of this voter and the clerk was taken by the contestants. In addition to this, one of the judges of the election says the marking was done with a pencil. Opposed to this evidence one witness, Perry Vincent, says the clerk marked the ballots with a stencil and they were then put in the ballot box. This witness was a challenger at that precinct and made no objection to these votes. He first gave his deposition and then could give the names of but four such voters, but when examined before the committee gave the names of thirty-four, but swore he could not positively say but what some of them (and how many he could not positively say), swore they were not able, physically, to mark their ballots. It was shown by all the evidence (Vincent included), that these votes were cast in the presence of the officers of the election; that they were cast as the voter directed and that each and all of them were legal voters. In fact, it was conceded before the committee that the present sitting member, Powers, who ac-

cording to the returns was elected by twenty majority, did not get the vote of a single man who was not entitled to vote at that election. While the law provides for a secret ballot, the votes of those who can not read or write or who are physically disabled, necessarily can not be secret; and our Constitution and the Statutes provides for their voting (Constitution Sec. 147). The case of Major against Barker decided by the Court of Appeals, April 28, 1896 (18 Ky. Law Rep., page 104), is totally unlike this one. There the voters were not sworn; it was not shown they were unable to cast a secret ballot, but the clerk without any oath whatever being administered to them, marked the ballots and put them in the ballot box. This of course would prevent a secret ballot or election and violate the Constitution and the Statute made to conform to it. Our Court of Appeals has held that a ballot, though marked with a pencil, is a good vote and must be counted, if it shows the intention of the voter (Houston against Steele decided January 24, 1896, 17 Ky. Law Rep., page 1149). If he makes oath that by reason of illiteracy or disability he can not mark his ballot, the clerk does it for him—this is an exception to the law. It of necessity can not be a secret ballot as to him, and it matters not whether the clerk marks it with a stencil or a pencil. The claims of the contestant, Bertram, are technical and without merit.

We, therefore, respectfully submit that Hon. D. S. Powers should retain his seat as a member of this body.

F. MAY,

D. D. LYKINS.

January 27, 1898.

Mr. May moved that the further consideration of said reports be postponed until to-morrow at 12 o'clock, and that the same be made a special order for that hour.

Said motion was rejected.

Mr. Ogden moved that the depositions in said contest be read to the House.

Said motion was rejected.

Mr. Richardson moved the previous question.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Myers and Haswell were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	V. Perkins,
T. H. Armstrong,	J. H. Lackey,	A. B. Pieratt,
B. W. Bradburn,	Joseph F. Laufer,	L. C. Rawlings,
A. C. Brown,	John M. Letterle,	W. H. Ragland,
J. L. Brown,	J. M. Lee,	R. E. Richardson,
George H. Bishop,	J. R. Mallory,	J. S. Robey,
A. H. Charlton,	J. D. Mocquot,	F. G. Shepherd,
W. W. Combs,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	W. J. Mears,	Waller Sharp,
W. H. Cooke,	John M. Moore,	G. B. Stout,
J. C. Cantrill,	W. H. McKee,	Ham. Shehan,
J. E. Cahill,	W. A. Morris,	B. F. Saunders,
J. Morgan Chinn,	J. Mc. Meloan,	A. J. Thompson,
A. S. Denton,	M. F. North,	Frank M. Tracy,
Claude Desha,	Chas. Aaron Nelson,	South Trimble,
J. B. Depp,	Emmett Orr,	L. E. Weatherford,
W. C. Holland,	Michael O'Sullivan,	C. A. Wilson,
J. A. Humphreys,	L. J. Owen,	R. E. Watkins,
W. C. G. Hobbs,	Harry C. Pulliam,	R. C. Walker,
John T. Hinton,	E. Petty,	J. D. Wills,
W. B. Henderson,	W. C. Pike,	Jas. H. Williams—66

Those who voted in the negative were:

W. H. Cole,	Anderson Hatfield,	F. May,
John Collins,	J. A. Ingram,	J. H. Minor,
M. T. Freeman,	J. P. Jeffries,	Chas. F. Ogden,
C. W. Haverly,	R. C. Jarnagin,	E. H. Read,
J. S. Hood,	D. D. Lykins,	W. T. Sharp,

James M. Hall,	Reuben Morris,	H. S. Vanzant,
J. H. Hall,	R. C. Myers,	C. B. Wheeler,
J. P. Haswell, Jr.,	Noah Marsee,	David Woods—24.

Mr. Myers moved that the House do now adjourn.

Said motion was rejected.

The question being taken on the minority report, it was decided in the negative.

The yeas and nays being demanded thereon by Messrs. Haswell and Jarnagin were as follows, viz:

Those who voted in the affirmative were:

W. H. Cole,	Anderson Hatfield,	F. May,
John Collins,	J. A. Ingram,	J. H. Minor,
M. T. Freeman,	J. P. Jeffries,	Chas. F. Ogden,
C. W. Haverly,	R. C. Jarnagin,	E. H. Read,
J. S. Hood,	D. D. Lykins,	W. T. Sharp,
James M. Hall,	Reuben Morris,	H. S. Vanzant,
J. H. Hall,	R. C. Myers,	C. B. Wheeler,
J. P. Haswell, Jr.,	Noah Marsee,	David Woods—24.

Those who voted in the negative were:

M. Abele,	W. B. Henderson,	V. Perkins,
T. H. Armstrong,	G. W. Hickman,	A. B. Pieratt,
B. W. Bradburn,	Joseph F. Laufer,	L. C. Rawlings,
A. C. Brown,	John M. Letterle,	W. H. Ragland,
J. L. Brown,	J. M. Lee,	R. E. Richardson,
George H. Bishop,	J. R. Mallory,	J. S. Robey,
Reuben Conner,	J. D. Mocquot,	F. G. Shepherd,
A. H. Charlton,	J. R. Mount,	O. P. Searcy,
W. W. Combs,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	Waller Sharp,
W. T. Chilton,	John M. Moore,	G. B. Stout,
W. H. Cooke,	W. H. McKee,	Ham. Shehan,
J. C. Cantrill,	W. A. Morris,	B. F. Saunders,
J. E. Cahill,	J. Mc. Meloan,	A. J. Thompson,

J. Morgan Chinn,	M. F. North,	Frank M. Tracy,
A. S. Denton,	Chas. Aaron Nelson,	South Trimble,
Claude Desha,	Emmett Orr,	L. E. Weatherford,
J. B. Depp,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	Harry C. Pulliam,	R. C. Walker,
W. C. G. Hobbs,	E. Petty,	J. D. Wills,
John T. Hinton,	W. C. Pike,	Jas. H. Williams—66

Mr. Sargent announced that he was paired with Mr. S. A. Smith, who, if present, would vote nay, while he would vote yea.

The question being then taken on the adoption of the majority report, it was decided in the affirmative.

The yeas and nays being demanded thereon by Messrs. Haswell and Vanzant were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	V. Perkins,
T. H. Armstrong,	G. W. Hickman,	A. B. Pieratt,
B. W. Bradburn,	Joseph F. Laufer,	L. C. Rawlings,
A. C. Brown,	John M. Letterle,	W. H. Ragland,
J. L. Brown,	J. M. Lee,	R. E. Richarkson,
George H. Bishop,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	J. D. Mocquot,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
W. W. Combs,	J. J. Marquette,	Waller Sharp,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. H. McKee,	B. F. Saunders,
J. C. Cantrill,	W. A. Morris,	A. J. Thompson,
J. E. Cahill,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	M. F. North,	South Trimble,
A. S. Denton,	Chas. Aaron Nelson,	L. E. Weatherford,
Claude Desha,	Emmett Orr,	C. A. Wilson,
J. B. Depp,	Michael O'Sullivan,	R. E. Watkins,

W. C. Holland,	L. J. Owen,	R. C. Walker,
J. A. Humphreys,	Harry C. Pulliam,	J. D. Wills,
W. C. G. Hobbs,	E. Petty,	Jas. H. Williams—65.
John T. Hinton,	W. C. Pike,	

Those who voted in the negative were:

W. H. Cole,	Anderson Hatfield,	F. May,
John Collins,	J. A. Ingram,	J. H. Minor,
M. T. Freeman,	J. P. Jeffries,	Chas. F. Ogden,
C. W. Haverly,	R. C. Jarnagin,	E. H. Read,
J. S. Hood,	D. D. Lykins,	W. T. Sharp,
James M. Hall,	Reuben Morris,	H. S. Vanzant,
J. H. Hall,	R. C. Myers,	C. B. Wheeler,
J. P. Haswell, Jr.,	Noah Marsee,	David Woods—24.

Mr. Sargent announced that he was paired with Mr. S. A. Smith, who would vote yea, while he would vote nay.

Whereupon, the Speaker declared A. Bertram entitled to the seat in this House of the Representatives from the counties of Clinton and Wayne.

Mr. McKee moved that the privileges of the floor be granted the contestee, Mr. Powers.

Said motion was adopted.

A message was received from the Senate announcing that they had received official information that the Governor had approved and signed a resolution originating in the Senate, entitled:

S. Res. 1. Resolution providing for the purchase of manuals for the use of members of the General Assembly, and for distribution to certain officers.

That they had passed a bill which originated in that body entitled:

S. B. 3. An act to amend section 7, article 2, chapter 221, session acts 1891-2-3, approved June 10, 1893, entitled, "An act relating to courts of justice."

Ordered that said bill be referred to the Committee on Circuit Courts.

Mr. Chinn moved that the House do now adjourn.

Said motion was adopted.

And then the House adjourned.

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FRIDAY, JANUARY 28, 1898.

The House was opened with prayer by Rev. George H. Means, of the M. E. Church, South.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills, the following were introduced and referred, viz:

By Mr. Moore:

Petition 1. "We, the undersigned citizens of the Commonwealth of Kentucky, do most respectfully petition your honorable body to enact a law for the protection of girls by raising the age of consent from 12 to 18 years." Appended thereto was a long list of citizens of Madisonville, Ky. Referred to Committee on Criminal Law.

By Mr. Moore:

Petition 2. Same as No. 1, with a long list of citizens of Arlington, Ky., appended.

Referred to Committee on Criminal Law.

By Mr. S. A. Smith:

Petition 3. The Real Estate Owners' Protective Association of Louisville respectfully beg leave to represent, that, owing to the decreasing profits of business, bringing loss and failure to

many of our best conducted business firms, the great falling off in wage, together with the scarcity of employment, our taxes are met every year with increasing difficulty, and partake each year more and more of the nature of confiscation, while in many cases the income from real estate does not amount to more than taxes and repairs; that the value of real estate is constantly depreciating, until it can not, probably in a majority of cases, be sold at the tax assessment, and that this depreciation is leading to a scaling of loans and the foreclosure of mortgages, and manufacturers are being discouraged and driven away. In the meantime new offices have been created which we believe to be unnecessary, and intended merely to reward political workers, and salaries have been, in many instances, unnecessarily advanced. These extravagant salaries and useless offices not only involve unnecessary outlay of money, wrung from the tax payers, but also serve as an incentive and reward for corrupt practices in election. We, therefore, respectfully request your honorable body to appoint a suitable committee to investigate the condition of affairs in this city, with a view to its being remedied by appropriate legislation, such as the abolition of unnecessary offices and the reduction of excessive salaries, where this may be equitably done.

(Signed)

ED. GRAUMAN, Pres.,

F. C. DICKSON, Sec.

Referred to Committee on Municipalities.

By Mr. Clark:

Petition 4. Setting forth the beneficial effect of women's influence on schools has been proved in the several States where they are accorded the right of school suffrage; and the right of women to participate in the election of school officers is already conceded in Kentucky by the law allowing widows with children of school age to vote for school trustees; therefore we do earnestly petition your honorable body to extend the right of voting for school officers, and on all school affairs, to all women possessing the usual qualifications of voters of age.



residence and character. Appending a long list of citizens of Madisonville, Ky.

Referred to the Committee on Education.

By Mr. Abele:

Petition 5. Resolved, That the Kenton County Humane Society, in view of the continued increasing of crimes against girls from twelve to sixteen years of age, recommend and urge upon the General Assembly of the Commonwealth of Kentucky the passage of the bill now pending before it to increase the age of consent from twelve to sixteen years.

(Signed)

H. A. SCHROETTER, Pres.,

MRS. F. H. HAUSER, Sec.

Referred to Committee on Criminal Law.

By Mr. Watkins:

Petition 6. We, the undersigned citizens of the Commonwealth of Kentucky, do most respectfully petition your honorable body to enact a law for the protection of girls, by raising the age of consent from twelve years to eighteen years. Appending a list of some three hundred names.

Referred to Committee on Criminal Law.

By Mr. Conner:

H. B. 241. An act to amend section 20 of chapter 47 of the acts of 1894 amending an act of 1891-92-93 entitled, "An act relating to roads and passways."

Referred to the Committee on Internal Improvements.

By Mr. Haswell:

H. B. 242. An act to amend section 1448 of article 3 of chapter 41 of the Kentucky Statutes, approved June 30, 1892.

Referred to the Committee on Suffrage and Elections.

By Mr. Lee:

H. B. 243. An act to amend section 1534, article 8, chapter 41, entitled, "Elections," Kentucky Statutes.

Referred to the Committee on Suffrage and Elections.

By Mr. Henderson:

H. B. 244. An act to insure a full and complete tax list of all taxable property.

Referred to the Committee on Criminal Law.

By Mr. Meloan:

H. B. 245. An act relative to actions for libel and repealing laws in conflict with same.

Referred to the Committee on Kentucky Statutes.

By Mr. Bishop:

H. B. 246. An act to amend section 14 of article 1 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, otherwise known as section 551 of the Kentucky Statutes.

Referred to the Committee on Insurance.

By Mr. Bishop:

H. B. 247. An act concerning the courthouse district in Campbell county.

Referred to the Committee on County and City Courts.

By Mr. Traver:

H. B. 248. An act to provide for the creation and government of suburban districts.

Referred to the Committee on County and City Courts.

By Mr. Searcy:

H. B. 249. An act to amend an act entitled, "An act to fix the license on boats and water-craft."

Referred to the Committee on Revenue and Taxation.

By Mr. Humphreys:

H. B. 250. An act to empower county judges to post public roads.

Referred to the Committee on County and City Courts.

By Mr. Collins:

H. B. 251. An act to amend an act entitled, "Deadly weapons," approved February 24, 1890.

Referred to the Committee on Criminal Law.

By Mr. Petty:

H. B. 252. An act to regulate and further prescribe the duties of assessors and to regulate assessments of property in this Commonwealth.

Referred to the Committee on Revenue and Taxation.

By Mr. Richarson:

H. B. 253. An act to amend section 2557, of chapter 81, of the Kentucky Statutes, entitled, "Liquor; intoxication."

Referred to the Committee on Criminal Law.

By Mr. Denton:

H. B. 254. An act to repeal an act entitled, "An act to establish a system of common schools in the town of Dixie, Henderson county," approved March 19, 1888.

Referred to the Committee on Education.

By Mr. Chilton:

H. B. 255. An act in regard to weighing coal by railroad companies.

Referred to the Committee on Railroads.

By Mr. Haverly:

H. B. 256. An act for the protection of poultry and game-birds of this Commonwealth.

Referred to the Committee on Criminal Law.

By Mr. Gill:

H. B. 257. An act relating to revenue and taxation.

Referred to the Committee on Revenue and Taxation.

By Mr. Charlton:

H. B. 258. An act to require the authorities in charge of

the penitentiaries to advertise for beef and award the same to the lowest bidder.

Referred to the Committee on State Prison and House of Reform.

By Mr. Holland:

H. B. 259. An act to amend section 90, chapter 260, article 8, of act approved July 6, 1893.

Referred to the Committee on Education.

By Mr. Holland:

H. B. 260. An act providing for the payment of Wilhite Carpenter, H. B. Lyons and J. M. Thomas for their services as commissioners in building the branch penitentiary at Eddyville, by virtue of an act of the General Assembly of Kentucky, approved April 28, 1884.

Referred to the Committee on Ways and Means.

By Mr. Williams:

H. B. 261. An act to re-enact an act to prevent fraudulent claims against the Commonwealth, and to recover such as have been paid, approved April 24, 1880.

Referred to the Committee on Kentucky Statutes.

By Mr. Morris:

H. B. 262. An act to declare valid mortgages or liens on personal property in certain cases, where the amount thereof does not exceed fifty dollars, and whether or not the same be recorded or lodged for record.

Referred to the Committee on Kentucky Statutes.

By Mr. Mount:

H. B. 263. An act to amend section 795, of subdivision 2, article 5, chapter 32 of the Kentucky Statutes act, of May 24, 1892, relating to railroads.

Referred to Committee on Railroads.

By Mr. Orr:

H. B. 264. An act for the more perfect assessment and collection of taxes from railroad companies.

Referred to Committee on Revenue and Taxation.

By Mr. Mallory:

H. B. 265. An act relating to committees for pauper idiots in this Commonwealth and the payment of allowances for such idiots.

Referred to Committee on Claims.

By Mr. Lackey:

H. B. 266. An act to secure to the people of the State of Kentucky the right to propose legislation to the legislature, and vote upon certain questions, called the referendum law.

Referred to Committee on Constitutional Amendment.

By Mr. McKee:

H. B. 267. An act to fix a penalty for selling less than seventy-six pounds of coal for a bushel. Referred to Committee on Criminal Law.

By Mr. McKee:

H. B. 268. An act for the benefit of the circuit court clerks of this State.

Referred to Committee on Circuit Courts.

By Mr. Stout:

H. B. 269. An act to repeal parts of an act entitled, "An act relating to revenue."

Referred to Committee on Revenue and Taxation.

By Mr. Trimble:

H. B. 270. An act to amend section 611, of the Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Trimble:

H. B. 271. An act to amend section 4425 of article 6 of an

act entitled, "An act to provide for an efficient system of common schools throughout the State."

Referred to the Committee on Education.

By Mr. Pulliam:

H. B. 272. An act to amend an act entitled, "An act in relation to pawnbrokers in this Commonwealth," and approved March 6, 1878.

Referred to the Committee on Kentucky Statutes.

By Mr. Pulliam:

H. B. 273. An act to amend section 78 of article 3, chapter 171 of acts of session 1891-92-93, entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Referred to the Committee on Corporate Institutions.

By Mr. Abele:

H. B. 274. An act to amend an act, article 6, building and loan associations.

Referred to the Committee on Insurance.

Mr. A. Bertram, from the counties of Clinton and Wayne, having been heretofore declared entitled to a seat in this House appeared at the bar of the House and took the oath prescribed by law.

Resolutions and petitions were presented as follows.

Mr. Hickman moved the adoption of the following resolution, viz:

Extending the sympathy of the members to Hon. V. Perkins, because of the death of his child, and a copy of the resolution sent to the gentleman's wife.

Said resolution was unanimously adopted by a rising vote.

Mr. Hobbs read and laid on the table the following resolution, viz:

Whereas, There are bills before this body seeking appropri-

tions for the various charitable institutions of this Commonwealth; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Chairmen of the Committee on Charitable Institutions of the Senate and House of Representatives, respectively, be and they are hereby empowered to appoint a subcommittee from their respective committees to visit the various charitable institutions of this Commonwealth for the purpose of ascertaining and reporting to said committees of said institutions.

Mr. Saunders moved the adoption of the following resolution, viz:

Whereas, There is much work to be done, and the time in which to do the work is limited; therefore,

Be it resolved by the House of Representatives:

That we work at least five hours each day, that we may be able to do the work necessary to be done.

Referred to the Committee on Rules.

Mr. Chilton moved the adoption of the following resolution, viz:

Whereas, There was a resolution introduced and carried in this House to the effect that each member of this body be furnished with one hundred copies of the Governor's message, wrapped in stamped wrappers, with the member's name and county on said wrappers; and,

Whereas, None, or very few of said members have received said one hundred copies of said message; therefore be it

Resolved, That the Committee on Printing be instructed to investigate the said matter and report why the required number have not been furnished.

Said resolution was adopted.

Mr. S. A. Smith moved the adoption of the following resolution, viz:

Whereas, There are now three important bills before the Committee on Municipalities relating to the charter of Louisville; and,

Whereas, Said Committee is in doubt, and are of opinion that a committee of not less than three should visit Louisville to investigate and report to said Committee; therefore, be it

Resolved, by the House of Representatives:

That the Speaker appoint a committee of three to visit and report to said Committee the advisability and necessity of Louisville to investigate the impracticability of said bills.

Mr. Tracy moved to lay the resolution on the table.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Charlton and Tracy, were as follows, viz:

Those who voted in the affirmative were:

George H. Bishop,	J. P. Jeffries,	Michael O'Sullivan,
Reuben Conner,	Joseph F. Laufer,	W. C. Pike,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
W. T. Chilton,	R. C. Myers,	Ham. Shehan,
W. H. Cooke,	Noah Marsee,	Frank M. Tracy,
J. E. Cahill,	John M. Moore,	George Traver,
J. S. Hood,	W. H. McKee,	H. S. Vanzant—23.
John T. Hinton,	F. May,	

Those who voted in the negative were:

M. Abele,	G. W. Hickman,	R. E. Richarkson.
B. W. Bradburn,	Anderson Hatfield,	E. H. Read,
J. L. Brown,	R. C. Jarnagin,	J. S. Robey,
A. Bertram,	J. H. Lackey,	S. Atwood Smith,
W. W. Combs,	J. M. Lee,	Andrew Sargent,
T. W. Clark,	J. R. Mallory,	W. T. Sharp,
J. C. Cantrill,	Reuben Morris,	O. P. Searcy,



J. Morgan Chinn,	J. R. Mount,	Miles Spurlock,
John Collins,	J. J. Marquette,	G. B. Stout,
Claude Desha,	W. A. Morris,	B. F. Saunders,
J. B. Depp,	J. Mc. Meloan,	A. J. Thompson,
M. T. Freeman,	Chas. Aaron Nelson,	South Trimble,
W. W. Gill,	Chas. F. Ogden,	L. E. Weatherford,
W. C. Holland,	L. J. Owen,	C. A. Wilson,
C. W. Haverly,	Harry C. Pulliam,	C. B. Wheeler,
J. A. Humphreys,	E. Petty,	R. E. Watkins,
James M. Hall,	A. B. Pieratt,	David Woods,
J. H. Hall,	L. C. Rawlings,	J. D. Wills,
J. P. Haswell, Jr.,	W. H. Ragland,	Jas. H. Williams—58.
W. B. Henderson,		

So said motion was rejected.

Mr. Nelson moved the previous question.

Said motion was adopted.

Mr. Hobbs moved to reconsider the vote by which the previous question was ordered.

Mr. Chinn moved to lay that motion on the table.

Said motion was rejected.

The motion made by Mr. Hobbs was then adopted.

The question being then taken on the adoption of the resolution, it was decided in the negative.

The yeas and nays being demanded thereon by Messrs. Tracy and Pulliam, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	R. C. Jarnagin,	S. Atwood Smith,
T. W. Clark,	Joseph F. Laufer,	Andrew Sargent,
W. H. Cooke,	J. R. Mallory,	W. T. Sharp,
J. C. Cantrill,	J. R. Mount,	O. P. Searcy,
J. Morgan Chinn,	W. A. Morris,	G. B. Stout,
A. S. Denton,	J. Mc. Meloan,	B. F. Saunders,

Claude Desha,	Chas. F. Ogden,	A. J. Thompson,
C. W. Haverly,	Harry C. Pulliam,	South Trimble,
J. A. Humphreys,	W. C. Pike,	C. B. Wheeler,
J. P. Haswell, Jr.,	A. B. Pieratt,	R. E. Watkins,
W. B. Henderson,	L. C. Rawlings,	David Woods-35.
G. W. Hickman,	W. H. Ragland,	

Those who voted in the negative were:

M. Abele,	J. H. Hall,	Emmett Orr,
J. L. Brown,	John T. Hinton,	Michael O'Sullivan,
George H. Bishop,	Anderson Hatfield,	E. Petty,
A. Bertram,	J. A. Ingram,	R. E. Richardson,
W. H. Cole,	J. P. Jeffries,	E. H. Read,
Reuben Conner,	J. H. Lackey,	J. S. Robey,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
W. W. Combs,	J. M. Lee,	Miles Spurlock,
W. T. Chilton,	Reuben Morris,	Waller Sharp,
J. E. Cahill,	J. J. Marquette,	Ham. Shehan,
John Collins,	R. C. Myers,	Frank M. Tracy,
J. B. Depp,	Noah Marsee,	George Traver,
M. T. Freeman,	John M. Moore,	H. S. Vanzant,
W. W. Gill,	W. H. McKee,	L. E. Weatherford,
W. C. Holland,	F. May,	C. A. Wilson,
J. S. Hood,	J. H. Minor,	J. D. Wills,
W. C. G. Hobbs,	Chas. Aaron Nelson,	Jas. H. Williams-52.
James M. Hall,		

So said resolution was rejected.

Mr. Mount moved the adoption of the following resolution,  
viz:

Resolved, That the use of the Hall of House of Representatives be given to the Knights of the Maccabees on the evening of March 3, for an address to be delivered by Ex-Congressman Markey, the Supreme Commander of the Order of Maccabees.

Said resolution was adopted.

Mr. Stout moved to reconsider the vote by which the House refused to order to its second reading:

H. B. 145. An act to abolish the office of Commonwealth's Attorney, and amending article 4 of an act entitled, "An act concerning attorneys-at-law, Attorney-General, attorneys for the Commonwealth, and attorneys for counties.

Said motion was rejected.

The House took from the orders of the day:

H. B. 52. An act defining embezzlement, and providing a penalty therefor.

Mr. Tracy moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any officer, attorney-at-law, agent, clerk, guardian, executor, administrator, trustee, assignee in insolvency, bailee for hire, partner or member of any firm, servant or employee of any person, except apprentices and persons under the age of eighteen years, who embezzles or converts to his own use any thing of value which shall come into his possession by virtue of his employment or appointment as such officer, attorney-at-law, agent, clerk, guardian, executor, administrator, trustee, assignee in insolvency, bailee for hire, partner or member of any firm, servant or employee; and any officer elected or appointed to an office of public trust or profit in this State, and any agent, clerk, servant, or employee of such officer, or of a board of such officers who embezzles, or converts to his own use, or conceals with such intent, any thing of value that shall come into his possession by virtue of his office or employment, is guilty of embezzlement and shall be punished as for larceny of the thing embezzled.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	E. Petty,
B. W. Bradburn,	G. W. Hickman,	W. C. Pike,
J. L. Brown,	Anderson Hatfield,	A. B. Pieratt,
George H. Bishop,	J. A. Ingram,	L. C. Rawlings,
A. Bertram,	J. P. Jeffries,	W. H. Ragland,
W. H. Cole,	R. C. Jarnagin,	R. E. Richardson,
Reuben Conner,	J. H. Lackey,	E. H. Read,
A. H. Charlton,	Joseph F. Laufer,	J. S. Robey,
W. W. Combs,	John M. Letterle,	S. Atwood Smith,
T. W. Clark,	J. M. Lee,	F. G. Shepherd,
W. T. Chilton,	J. R. Mallory,	Andrew Sargent,
W. H. Cooke,	Rueben Morris,	W. T. Sharp,
J. C. Cantrill,	J. R. Mount,	O. P. Searcy,
J. E. Cahill,	J. J. Marquette,	Miles Spurlock,
John Collins,	R. C. Myers,	Waller Sharp,
A. S. Denton,	Noah Marsee,	G. B. Stout,
Claude Desha,	John M. Moore,	Ham. Shehan,
J. B. Depp,	F. May,	B. F. Saunders,
W. W. Gill,	J. H. Minor,	A. J. Thompson,
W. C. Holland,	W. A. Morris,	Frank M. Tracy,
C. W. Haverly,	J. Mc. Meloan,	George Traver,
J. S. Hood,	Chas. Aaron Nelson,	H. S. Vanzant,
J. A. Humphreys,	Emmett Orr,	L. E. Weatherford,
W. C. G. Hobbs,	Chas. F. Ogden,	C. A. Wilson,
James M. Hall,	Michael O'Sullivan,	C. B. Wheeler,
J. H. Hall,	L. J. Owen,	R. E. Watkins,
John T. Hinton,	Harry C. Pulliam,	Jas. H. Williams—82.
J. P. Haswell, Jr.,		

Those who voted in the negative were:

W. H. McKee—1.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

1. S. B. 20. An act to create a board of firemen's pension fund to provide and distribute such fund for the pensioning of disabled firemen and the wives and children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith in cities having a population of over fifty thousand inhabitants, and a paid fire department.
2. S. B. 3. An act to amend section 231 of act entitled, "An act for the governing of cities of the first class," approved July 1, 1893, and being section 3017 of the Kentucky Statutes, and relating to the grading of applicants for license in cities of the first-class.
3. S. B. 34. An act to protect unoccupied houses.

Ordered that said bills be referred: The first and second to the Committee on Municipalities, and the third to the Committee on Kentucky Statutes.

The House took from the orders of the day:

H. Res. 9. Resolution adopting the Kentucky Statutes compiled and edited by J. Barbour and John D. Carroll.

Mr. Tracy moved a substitute for said resolution.

Mr. Tracy moved to recommit said resolution and substitute to the Committee on Kentucky Statutes.

Said motion was adopted.

The House took from the orders of the day:

H. B. 166. An act to regulate the sale of leaf tobacco in the public markets of Kentucky.

Mr. Orr moved to postpone the further consideration of

said bill until Tuesday, February 1, 1898, at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was adopted.

The House took from the orders of the day:

H. B. 87. An act to amend section 28 of article 6 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," relating to city jailers.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 28 of article 6 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," be amended by adding after the word "qualified" in the fourth line thereof the following:

"He shall be allowed to contract with the city in furnishing macadam for streets, but in no other way. He shall perform such duties and receive such compensation as the general council may by ordinance prescribe. The city jailer shall be furnished a deputy jailer. Said deputy to be appointed by the jailer. subject to the approval and confirmation of the board of aldermen. Said deputy shall perform such duties and receive such compensation as the general council may prescribe," so that said section when amended will read as follows:

"Sec. 28. There shall be elected by the qualified voters of the city a city jailer, who shall be not less than twenty-five years of age and an elector of the city. He shall hold his office for four years and until his successor is elected and qualified. He shall be allowed to contract with the city in furnishing macadam for streets, but in no other way. He shall perform such duties and receive such compensation as the general council may by ordinance prescribe. The city jailer shall be furnished

a depuly jailer, said deputy to be appointed by the jailer, subject to the approval and confirmation of the board of aldermen. Said deputy shall perform such duties and receive such compensation as the general council may prescribe. This act shall only apply to cities of the second class having salaried city jailers.

"All laws and parts of laws in conflict with this section as amended are hereby repealed.

"This act shall take effect from and after its passage and approval."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	L. C. Rawlings,
B. W. Bradburn,	Anderson Hatfield,	W. H. Ragland,
J. L. Brown,	J. A. Ingram,	R. E. Richardson,
George H. Bishop,	J. P. Jeffries,	E. H. Read,
A. Bertram,	R. C. Jarnagin,	J. S. Robey,
W. H. Cole,	J. H. Lackey,	S. Atwood Smith,
Reuben Conner,	Joseph F. Laufer,	F. G. Shepherd,
A. H. Charlton,	J. M. Lee,	Andrew Sargent,
W. W. Combs,	J. R. Mallory,	W. T. Sharp,
T. W. Clark,	Reuben Morris,	O. P. Searcy,
W. H. Cooke,	J. R. Mount,	Miles Spurlock,
J. E. Cahill,	J. J. Marquette,	Waller Sharp,
J. Morgan Chinn,	R. C. Myers,	G. B. Stout,
John Collins,	Noah Marsee,	Ham. Shehan,
A. S. Denton,	John M. Moore,	B. F. Saunders,
J. B. Depp,	W. H. McKee,	A. J. Thompson,
M. T. Freeman,	F. May,	Frank M. Tracy,
W. W. Gill,	J. H. Minor,	South Trimble,
M. C. Holland,	W. A. Morris,	George Traver,
C. W. Haverly,	J. Mc. Meloan,	H. S. Vanzant,
J. S. Hood,	Chas. Aaron Nelson,	L. E. Weatherford,

J. A. Humphreys,	Emmett Orr,	C. A. Wilson,
W. C. G. Hobbs,	Michael O'Sullivan,	C. B. Wheeler,
James M. Hall,	L. J. Owen,	David Woods,
J. H. Hall,	Harry C. Pulliam,	J. D. Wills,
John T. Hinton,	W. C. Pike,	Jas. H. Williams-80.
W. B. Henderson,	A. B. Pieratt,	

Those who voted in the negative were:

J. P. Haswell, Jr., Chas. F. Ogden—2.

Resolved that said bill do pass and that the title thereof be as aforesaid.

Indefinite leave of absence was granted Messrs. Perkins, Mears and Walker.

The House took from the orders of the day:

H. B. 93. An act continuing the Kentucky State Dental Association, and defining the duties of said Association and regulating the practice of dentistry in this Commonwealth.

Ordered that said bill be recommitted to the Committee on Public Health.

The House took from the orders of the day:

H. B. 122. An act to amend an act entitled, "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

Mr. Mallory moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That chapter 260, article 12, section 137, be amended by striking out in the eighth line thereof, the words "first day



of July and the first day of November," and inserting the words "twentieth day of June and the fifteenth day of August" in lieu thereof, so that said section will read as follows:

"Sec. 137. It shall be the duty of each county superintendent to organize and cause to be held annually, a teachers institute, for the normal instruction, improvement and better qualification of the teachers of his county. The institute shall occupy no less than five nor more than ten days, and shall be held between the twentieth day of June and the fifteenth day of August. The Superintendent of Public Instruction and the two professional members of the State Board of Examiners, shall constitute a committee on program to prepare and place in the hands of each county superintendent not later than first day of June of each year, a program of the work of the institute and a syllabus of each subject of instruction. The program and syllabus shall be furnished each member of the institute and shall be faithfully and efficiently carried out. Any county superintendent who shall wilfully fail or neglect to hold the annual institute as prescribed in this article, shall be fined fifty dollars."

Sec. 2. And also amend section 140 of chapter 260, article 12, of the act aforesaid, approved July 6, 1893, by striking out the following words, beginning in line twenty-five of said act and section, to-wit: "During the institute there shall be a suspension of such schools as are in session, but no reduction of the teacher's salary shall be made on account of such suspension, except as hereinafter provided," so that said section will read as follows:

"Every teacher of a common school including teachers of the graded common schools in cities of the fifth and sixth classes who hold a State diploma, State certificate or county certificate, or who contemplate applying for certificates of qualification to teach in the common schools, shall attend the full session of the institute in his home county, unless he is teaching in another county in which the institute is yet to be

held, or has attended the institute of a county in which he has a contract to teach. In teaching in a county other than his own county, whose institute is yet to be held, he must attend the full session of the latter. The county superintendent shall revoke the certificate of any teacher who shall fail or neglect to attend the full session of the institute unless the superintendent shall be fully satisfied that such failure has been caused by actual sickness or other disability. After the county institute has been held it shall be unlawful to grant any person a certificate to teach at any time during that school year, unless the said person shall have attended the full session of the institute of that or some other county during that school year, or unless the county superintendent shall be fully satisfied that the failure to attend the institute had been caused by sickness or other disability. The time of actual attendance upon the institute in days and parts of days, shall be accredited to the teachers, but no teacher shall receive any compensation from the common school fund if the institute be held during the session of his or her school. At the close of the institute the county superintendent shall give to each teacher or other person in attendance, a certificate of the number of days and parts of days that the teacher or other person had attended, which certificate of attendance, shall be filed by the teacher with the chairman of the board of trustees of the district, who shall make report thereof to the county superintendent at the time of reporting the school."

The yeas and nays being required thereon by a provision of the Constitution, were as follows:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
T. H. Armstrong,	Anderson Hatfield,	L. C. Rawlings,
B. W. Bradburn,	J. A. Ingram,	W. H. Ragland,
J. L. Brown,	J. P. Jeffries,	R. E. Richardson,
George H. Bishop,	R. C. Jarnagin,	E. H. Read,

A. Bertram,	J. H. Lackey,	J. S. Robey,
Reuben Conner,	Joseph F. Laufer,	S. Atwood Smith,
T. W. Clark,	John M. Letterle,	F. G. Shepherd,
W. H. Cooke,	J. M. Lee,	Andrew Sargent,
J. C. Cantrill,	J. R. Mallory,	O. P. Searcy,
J. E. Cahill,	Reuben Morris	Miles Spurlock,
J. Morgan Chinn,	J. R. Mount,	G. B. Stout,
A. S. Denton,	J. J. Marquette,	Ham. Shehan,
Claude Desha,	Noah Marsee,	B. F. Saunders,
J. B. Depp,	W. H. McKee,	A. J. Thompson,
M. T. Freeman,	F. May,	Frank M. Tracy,
W. W. Gill,	J. H. Minor,	South Trimble,
W. C. Holland,	W. A. Morris,	George Traver,
C. W. Haverly,	J. Mc. Meloan,	H. S. Vanzant,
J. S. Hood,	Chas. Aaron Nelson,	C. A. Wilson,
J. A. Humphreys,	Chas. F. Ogden,	C. B. Wheeler,
W. C. G. Hobbs,	Michael O'Sullivan,	R. E. Watkins,
James M. Hall,	L. J. Owen,	David Woods,
J. H. Hall,	Harry C. Pulliam,	J. D. Wills,
John T. Hinton,	E. Petty,	Jas. H. Williams-77.
J. P. Haswell, Jr.,	W. C. Pike,	

Those who voted in the negative were:

John Collins,	R. C. Myers,	W. T. Sharp,
W. B. Henderson,	John M. Moore,	L. E. Weatherford-6.

Resolved, That said bill do pass and that the title thereof be as aforeaid.

The House took from the orders of the day:

H. B. 43. An act to amend and re-enact section 4443, of article 8, of chapter 113 of Kentucky Statutes, being section 79 of the common school law of 1896, of an act to provide an efficient system of common schools throughout this State.

With a substitute proposed therefor by the Committee on Education.

Mr. Shepherd moved an amendment to said substitute.

Mr. Shepherd moved to recommit said bill and amendments to the Committee on Education.

Said motion was adopted.

The House took from the orders of the day:

H. B. 133. An act to regulate the practice of embalming in this Commonwealth.

Pending the consideration of said bill, the hour of 1:30 arrived, and the House adjourned.

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SATURDAY, JANUARY 29, 1898.

The House was opened with prayer by Rev. R. L. McCredy, of the Episcopal Church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Mr. Beckham presented petitions as follows, viz:

Mr. Speaker Beckham handed in a petition from the Democratic Good Government Club of the Twelfth ward, city of Louisville, in regard to municipal elections in the city of Louisville.

Referred to Committee on Municipalities.

Mr. Speaker Beckham handed in a petition from the Democratic Good Government Club of the Twelfth ward, city of Louisville, in regard to the general election law.

Referred to Committee on Suffrage and Election.

Mr. Charlton moved the adoption of the following resolution, viz:

Whereas, The State of Kentucky is overflowing with fire

and life insurance companies, many of them having large capital and surplus, and all of them doing a large and extensive moneyed business in the State; and,

Whereas, It is necessary to have such information as will correctly show the exact amount of money each insurance company pays into the State Treasury upon its property, and business, either by franchise, license, or other tax; therefore,

Resolved, That the Auditor of Public Accounts report to this House without delay, the amount each insurance company has paid into the Treasury during the year 1897, for the privilege of doing business in this State, and he will report each company separately, with the amount paid by each, showing whether it is franchise, license, or other tax.

2. The auditor will also make the report, show the amount, if any, each company pays through the Insurance Bureau, in addition to the information asked for above.

Said resolution was adopted.

The House took from the clerk's desk a resolution moved by Mr. Hobbs, on yesterday, authorizing the appointment of sub-committees to visit the charitable institutions of the State.

Said resolution was adopted.

The Committee to whom the same had been referred, reported bills as follows, viz:

By Mr. Chinn, from the Committee on Judiciary:

H. B. 212. An act entitled, "An act to make gold and silver coin of the United States legal tender in the payment of all debts, and to prohibit the making of any contract for the payment of money in any other currency than the general legal tender of the United States."

By same:

H. B. B. 218. An act to provide for an appeal in actions of habeas corpus.

By same:

H. B. 142. An act requiring the appointment of at least one woman physician in certain institutions in this Commonwealth.

By Mr. Meloan, from the Committee on Railroads:

H. B. 149. An act to amend and re-enact section 829, Kentucky Statutes.

By same:

H. B. 123. An act to amend and re-enact section 189 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, the same being section 2974 of the Kentucky Statutes.

By Mr. Nelson, from the Committee on Education:

H. B. 191. An act to legalize elections in certain graded common school districts in this Commonwealth.

By Mr. Orr, from the Committee on Revenue and Taxation:

H. B. 63. An act to amend an act entitled, "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886.

By same:

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

By Mr. Bradburn, from the Committee on Kentucky Statutes:

H. B. 69. An act to amend subsection 1, section 26, article 15 of an act entitled, "An act relating to fees," approved June 15, 1893.

By same:

H. B. 231. An act concerning the qualifications of jurors in circuit courts of this Commonwealth.

By same:

H. B. 140. An act to amend and re-enact section 1, article 2, chapter 31a General Statutes, acts 80, 82 relating to drifts, logs and timber.

By same:

H. B. 220. An act to prohibit the granting of license to sell by retail spirituous, vinous, malt liquors, and other intoxicating drinks in this State to merchants and druggists outside of incorporated cities and towns.

By same:

H. B. 8. An act to amend section 2364, of the General Statutes of Kentucky relating to redemption of real estate sold under decree of court.

Which bills were severally read the first time, ordered to be printed and placed in the orders of the day and read the second time on some other day.

By Mr. Meloan from the Committee on Railroads.

H. B. 151. An act to prevent railroads, telegraph, telephone, bridge, or common carrier companies from consolidating their capital stock, or pooling their earnings, and prescribing penalties therefor.

With expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed in the orders of the day, and read the second time on some other day.

The committees to whom the same had been referred, reported bills as follows, viz:

By Mr. Nelson, from the Committee on Education:

H. B. 190. An act for extending the time for levying taxes in common school districts in which the four-year levy has proved insufficient to build and to provide with suitable furniture the school house.

By same:

H. B. 238. An act to amend chapter 113, article 9, section 4458 of the Kentucky Statutes.

By same:

H. B. 99. An act to amend an act entitled, "An act to provide an efficient system of common schools throughout the State," approved July 6, 1893.

By same:

H. B. 104. An act to prohibit the running at large of stock within the enclosure of any public school house within this Commonwealth.

By same:

H. P. 17. An act to amend section 74 of article 8 of the Common School Laws of Kentucky.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time at length.

The question being taken on ordering said bills to be read the second time, the opinion of the Committee to the contrary notwithstanding it was decided in the negative.

So said bills were rejected.

Mr. Nelson, from the Committee on Education, to whom the same had been referred, reported:

H. B. 171. An act to make women eligible to the office of school trustee and members of the Board of Education, and to empower women to vote in elections for such offices.

Without an expression of opinion.

Said bill was read in full the first time.

The question being taken on ordering said bills to be read the second time it was decided in the negative.

So said bill was rejected.

Mr. Orr, from the Committee on Revenue and Taxation, to whom the same had been referred, reported:



H. B. 81. An act to amend and re-enact section 3, of article 13, of an act entitled, "An act relating to revenue and taxation," which became a law on November 11, 1892, and which is now section 4241 of the Kentucky Statutes.

With a substitute proposed therefor by the Committee.

Said bill was read the first time in full.

Ordered that said bill and substitute be printed, placed in the orders of the day, and be read a second time on some other day.

Mr. Bradburn, from the Committee on Kentucky Statutes, to whom the same had been recommitted, reported:

H. B. 68. An act to amend section 2246 Kentucky Statutes, and to re-enact said section as amended.

Ordered that said bill be read the third time.

Said bill was read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 6, article 1, chapter 210, Kentucky Statutes, concerning juries and entitled, "juries," approved May 22, 1893, be, and the same is hereby amended by striking out the word "ten" from said section, and inserting in lieu thereof the word "twenty."

Said section as amended, is hereby re-enacted and shall read on the whole as follows:

Within twenty days of the date of to which said grand and petit jurors are to be summoned, the clerk shall open the envelopes containing the lists, and make out fair copies of such lists of grand and petit jurors, and deliver the same to the sheriff, who shall, at least three days prior to the next term or date to which they are to be summoned, summon the persons to attend, grand jurors on the first and petit jurors on the second day of the term, except that in cases of courts having

continuous sessions, said persons shall be summoned to attend on the first Monday in the month for which they were drawn.

The sheriff or other officer summoning such persons shall do so by giving to each one found personal notice, and to each one not found by leaving a written notice at the juror's place of residence, with some member of his family over sixteen years of age.

The lists shall be returned by the sheriff on the first day of the term; or, in cases of courts having continuous sessions, on the day to which the jurors are summoned, with a certificate thereon of the date and manner in which each juror was summoned, from which lists, respectively, the regular panels of the grand and petit juries shall be selected in order in which their names appear thereon.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

T. H. Armstrong,	W. B. Henderson,	A. B. Pieratt,
B. W. Bradburn,	G. W. Hickman,	W. H. Ragland,
A. C. Brown,	Anderson Hatfield,	R. E. Richardson,
J. L. Brown,	J. A. Ingram,	E. H. Read,
A. Bertram,	J. P. Jeffries,	J. S. Robey,
W. H. Cole,	R. C. Jarnagin,	S. Atwood Smith,
Reuben Conner,	J. H. Lackey,	F. G. Shepherd,
A. H. Charlton,	J. M. Lee,	Andrew Sargent,
W. W. Combs,	J. R. Mallory,	W. T. Sharp,
T. W. Clark,	Rueben Morris,	O. P. Searcy,
W. T. Chilton,	J. R. Mount,	Miles Spurlock,
W. H. Cooke,	J. J. Marquette,	Ham. Shehan,
J. C. Cantrill,	R. C. Myers,	B. F. Saunders,
J. E. Cahill,	Noah Marsee,	A. J. Thompson,
J. Morgan Chinn,	John M. Moore,	Frank M. Tracy,
John Collins,	W. H. McKee,	South Trimble,
A. S. Denton,	F. May,	George Traver,
J. B. Depp,	J. H. Minor,	H. S. Vanzant,

M. T. Freeman,	W. A. Morris,	L. E. Weatherford,
W. W. Gill,	J. Mc. Meloan,	C. A. Wilson,
W. C. Holland,	Chas. Aaron Nelson,	C. B. Wheeler,
C. W. Haverly,	Chas. F. Ogden,	R. E. Watkins,
J. S. Hood,	L. J. Owen,	David Woods,
W. C. G. Hobbs,	E. Petty,	J. D. Wills,
John T. Hinton,	W. C. Pike,	Jas. H. Williams-76.
J. P. Haswell, Jr.,		

Those who voted in the negative: none.

Resolved, That said bill do pass, and that the title thereof be as follows:

An act to amend section 6, article 1, chapter 210, of an act entitled, "An act concerning juries, and entitled 'Juries,'" approved May 22, 1893.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been re-committed, reported:

H. B. 64. An act to amend an act approved March 29, 1882, chapter 62, article 5, section 12, General Statutes.

Said bill was read the third time, and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 2276 of the Kentucky Statutes be, and the same is hereby amended by striking therefrom the words, "more than one day at any one time;" so that said section as amended will read as follows, viz:

Persons summoned and not sworn as jurors shall be discharged without pay, but if sworn and shall serve one day at any one time, they shall be paid as other jurors for the time they shall serve.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

## Those who voted in the affirmative were:

B. W. Bradburn,	J. P. Jeffries,	R. E. Richardson,
A. C. Brown,	R. C. Jarnagin,	E. H. Read,
A. Bertram,	J. H. Lackey,	J. S. Robey,
W. H. Cole,	J. M. Lee,	F. G. Shepherd,
A. H. Charlton,	J. R. Mallory,	Andrew Sargent,
W. W. Combs,	Reuben Morris,	O. P. Searcy,
T. W. Clark,	J. R. Mount,	Miles Spurlock,
W. T. Chilton,	J. J. Marquette,	Ham. Shehan,
W. H. Cooke,	R. C. Myers,	B. F. Saunders,
J. C. Cantrill,	Noah Marsee,	A. J. Thompson,
John Collins,	John M. Moore,	Frank M. Tracy,
A. S. Denton,	W. H. McKee,	George Traver,
J. B. Depp,	F. May,	H. S. Vanzant,
W. C. Holland,	W. A. Morris,	L. E. Weatherford,
J. S. Hood,	J. Mc. Meloan,	C. A. Wilson,
W. C. G. Hobbs,	Chas. Aaron Nelson,	C. B. Wheeler,
James M. Hall,	Chas. F. Ogden,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	David Woods,
W. B. Henderson,	W. C. Pike,	J. D. Wills,
G. W. Hickman,	W. H. Ragland,	Jas. H. Williams-61.
Anderson Hatfield,		

## Those who voted in the negative were:

J. L. Brown,	W. W. Gill,	J. H. Minor,
Reuben Conner,	C. W. Haverly,	E. Petty,
J. E. Cahill,	J. P. Haswell, Jr.,	A. B. Pieratt-11.
M. T. Freeman,	J. A. Ingram,	

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

- The House took from the orders of the days the unfinished business of yesterday:

H. B. 133. An act to regulate the practice of embalming in this Commonwealth.

Ordered that said bill be placed in the orders of the day.

The House took from the orders of the day:

H. B. 125. An act to regulate the analysis of fertilizers in this Commonwealth.

Ordered that said bill be recommitted to the Committee on Agriculture and Manufacturers.

The House took from the orders of the day:

H. B. 70. An act to regulate the pay of laborers in this Commonwealth

Mr. Saunders moved an amendment to said bill, but withdrew it.

Mr. Ogden moved an amendment to said bill.

Said amendment was rejected.

Mr. Combs moved an amendment to said bill.

Said amendment was rejected.

Mr. Hobbs moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That any person or corporation regularly employing not less than ten laborers to render service in any line of industry, shall pay each laborer so employed, if he or she shall so demand, upon Saturday afternoon of each second week, in lawful money of the United States.

Sec. 2. Any person or corporation who shall willfully violate or neglect to comply with section 1 of this act shall be liable to a fine of not less ten nor more than one hundred dollars to be recovered in any court having jurisdiction thereof. Provided said person or corporation, after using due diligence is unable to make the said payment as required in section 1 of this act

shall at once make out pay roll and statement of the amount due each employee and deliver one of the statements to each of the said employees.

Said person or corporation shall at the same time execute to each of the said employees a due bill of the same, said due bill to bear interest from date.

A failure or refusal to comply with the requirements of this section shall subject said person or corporation to the penalties set out in section 1 of this act, Provided, That the prosecution is instituted within sixty days after the accrual of the right.

Sec. 3. An emergency clause is hereby declared to exist, and this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	A. B. Fieratt,
T. H. Armstrong,	Anderson Hatfield,	W. H. Ragland,
B. W. Bradburn,	J. A. Ingram,	R. E. Richardson,
A. C. Brown,	J. P. Jeffries,	E. H. Read,
J. L. Brown,	R. C. Jarnagin,	J. S. Robey,
A. Bertram,	J. H. Lackey,	S. Atwood Smith,
W. H. Cole,	J. M. Lee,	F. G. Shepherd,
Reuben Conner,	J. R. Mallory,	Andrew Sargent,
A. H. Charlton,	Reuben Morris,	W. T. Sharp,
W. W. Combs,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	R. C. Myers,	Ham. Shehan,
W. H. Cooke,	Noah Marsee,	B. F. Saunders,
J. C. Cantrill,	John M. Moore,	A. J. Thompson,
J. E. Cahill,	W. H. McKee,	Frank M. Tracy,
J. Morgan Chinn,	F. May,	George Traver,
A. S. Denton,	J. H. Minor,	South Trimble,
J. B. Depp,	W. A. Morris,	H. S. Vanzant,
M. T. Freeman,	J. Mc. Meloan,	L. E. Weatherford,

W. W. Gill,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. Holland,	Emmett Orr,	C. B. Wheeler,
C. W. Haverly,	Chas. F. Ogden,	R. E. Watkins,
W. C. G. Hobbs,	L. J. Owen,	David Woods,
John T. Hinton,	E. Petty,	J. D. Wills,
J. P. Haswell, Jr.,	W. C. Pike,	Jas. H. Williams—76.
W. B. Henderson,		

Those who voted in the negative were:

John Collins,                      J. S. Hood,                      James M. Hall—3.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 32. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to classes to which they belong."

Ordered that said bill be read the third time.

Said bill was read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1 of chapter 99 of session acts of 1891-2-3 be amended as follows:

Whereas, When an act entitled, "An act for the government of cities of the fifth class," which was approved July 3, 1893, was passed the population of the city of Wickliffe, Ballard county, Ky., was less than one thousand, and was, therefore, assigned to cities of the sixth class;

Whereas, Under an ordinance regularly passed by the board of trustees of the city of Wickliffe, Ballard county, Ky., on the — day of —, 1895, a census of said city was ordered to be taken, and by said census it appears that the population of the city of Wickliffe is more than one thousand, to-wit: one

thousand and thirty-seven; and on the 7th day of December, 1895, the said board of trustees of the city of Wickliffe, upon the result of said census, regularly passed an ordinance declaring the population of the said city of Wickliffe to be one thousand and thirty-seven, and directing the city of Wickliffe to be assigned to cities of the fifth class.

The said section when amended will read as follows, to-wit:

First class—Louisville, Jefferson county.

Second class—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county.

Third class—Paducah, McCracken county; Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county.

Fourth class—Hopkinsville, Christian county; Shelbyville, Shelby county; Maysville, Mason county; Pineville, Bell county; Richmond, Madison county; Winchester, Clark county; Dayton, Campbell county; Paris, Bourbon county; Ashland, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Middlesboro, Bell county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Somerset, Pulaski county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Catlettsburg, Boyd county.

Fifth class—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Franklin, Simpson county; Greenville, Muhlenburg county; Elizabethtown, Hardin county; Louisa, Lawrence county; Russellville, Logan county; Columbus, Hickman county; Madisonville, Hopkins county; Glasgow, Barren county; Princeton, Caldwell county; Fulton, Fulton county; South Louisville, Jefferson county; West Covington, Kenton county; Earlington, Hopkins county; Carrollton, Carroll county; Hickman, Fulton county; Cloverport, Breck-



inridge county; Bardstown, Nelson county; Augusta, Bracken county; Stanford, Lincoln county; Lawrenceburg, Anderson county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county; Barbourville, Knox county; Elkton, Todd county; Falmouth, Pendleton county; Central City, Muhlenburg county; Vanceburg, Lewis county; Morganfield, Union county; Carlisle, Nicholas county; Clay, Powell county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Milldale, Kenton county; Eminence, Henry county; Parkland, Jefferson county; Eddyville, Lyon county; Leitchfield, Grayson county; Owingsville, Bath county; Murray, Calloway county; Marion, Crittenden county; Wickliffe, Ballard county.

Sixth class—All other incorporated cities not named in this bill belong to the sixth class.

Inasmuch as an election has been held in this town for town officers, an emergency is declared, and this act shall take effect after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	A. B. Pieratt,
A. C. Brown,	G. W. Hickman,	W. H. Ragland,
J. L. Brown,	Anderson Hatfield,	R. E. Richarkson,
A. Bertram,	J. A. Ingram,	E. H. Read,
W. H. Cole,	R. C. Jarnagin,	J. S. Robey,
Reuben Conner,	J. H. Lackey,	S. Atwood Smith,
A. H. Charlton,	J. M. Lee,	F. G. Shepherd,
W. W. Combs,	J. R. Mallory,	Andrew Sargent,
T. W. Clark,	Reuben Morris,	W. T. Sharp,
W. T. Chilton,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	R. C. Myers,	Ham. Shehan,

J. Morgan Chinn,	Noah Marsee,	B. F. Saunders,
A. S. Denton,	John M. Moore,	A. J. Thompson,
J. B. Depp,	W. H. McKee,	Frank M. Tracy,
M. T. Freeman,	F. May,	South Trimble,
W. W. Gill,	J. H. Minor,	George Traver,
W. C. Holland,	W. A. Morris,	H. S. Vanzant,
C. W. Haverly,	J. Mc. Meloan,	L. E. Weatherford,
J. S. Hood,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
James M. Hall,	L. J. Owen,	David Woods,
John T. Hinton,	E. Petty,	J. D. Wills,
J. P. Haswell, Jr.,	W. C. Pike,	Jas. H. Williams—72.

Those who voted in the negative were:

J. P. Jeffries—1.

Resolved, That said bill pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had concurred in:

H. Res. 13. Resolution requesting resignation of Wm. Lindsay, United States Senator from Kentucky.

That they had adopted resolutions and passed bills which originated in that body of the following titles:

1. S. Res. 3. Resolution providing for the payment of balance of salary of Caswell Bennett to his widow, Mary H. Bennett.
2. S. Res. 4. Resolution calling upon our Senators and Representatives in Congress to favor and vote for what is known as the "Teller Resolution."
3. S. B. 18. An act to amend sections 127 and 154 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.
4. S. B. 102. An act to amend and re-enact an act entitled, "An act fixing the times and terms of the circuit courts in the

counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court district.

Ordered that said resolution and bills be referred: The first, to the Committee on Claims; the second, to the Committee on Propositions and Grievances; the third, to the Committee on Municipalities, and the fourth to the Committee on Circuit Courts.

The House took from the orders of the day:

H. B. 172. An act to regulate the business of foreign corporations.

Mr. Cook moved to postpone the further consideration of said bill until Wednesday, February 2, 1898, at 11 o'clock, A. M., and that the same be made a special order for that hour.

The House took from the orders of the day:

H. B. 75. An act to amend section 4434, article 8, of the Kentucky Statutes, title, "District trustees."

Mr. Combs moved an amendment to said bill.

Mr. Nelson moved that said bill be re-committed to the Committee on Education.

Said motion was adopted.

The House took from the orders of the day:

H. B. 51. An act to amend section 1697 Kentucky Statutes, entitled, "An act exempting personal private property of persons with a family residing in this Commonwealth."

Mr. Tracy moved to recommit said bill to the Committee on Kentucky Statutes.

Said motion was adopted.

The House took from the orders of the day bills as follows:

H. B. 115. An act to establish a uniform series of text books to be used in the public schools of this Commonwealth, and to reduce the price thereof.

H. B. 21. An act to amend section 2056, chapter 62 of the Kentucky Statutes.

H. B. 143. An act to repeal and re-enact section 31 of article 5 of an act for the government of cities of the second class in the Commonwealth of Kentucky, relating to city clerks.

H. B. 141. An act to amend and re-enact section 1951, chapter 57 Kentucky Statutes, or section 13, chapter 28, acts 1894, entitled an act to protect game and small birds.

H. B. 30. An act to regulate the charges of stock yards in this Commonwealth.

H. B. 148. An act to amend section 273, Civil Code of Practice, relating to injunctions.

Which bills were severally read the second time and placed in the orders of the day.

And then the House adjourned.

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MONDAY, JANUARY 31, 1898.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian church.

Mr. Speaker Beckham in the Chair.

The Journal of Saturday was approved.

Indefinite leave of absence was granted Messrs. Wheeler, Henderson and Rawlings.

The committees to who the same had been referred reported bills as follows, viz:

By Mr. Bradburn, from the Committee on Kentucky Statutes:

H. B. 229. An act to amend chapter 210, article 1, section 7, of acts of 1891-2-3, entitled, "Juries."

By same:

H. B. 205. An act to amend an act entitled, "An act for the government of cities of the first class."

Said bills were severally read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Bradburn, from the Committee on Kentucky Statutes:

H. B. 94. An act to repeal section 1794 of Kentucky Statutes, and substitute section 1780 Kentucky Statutes.

With a substitute proposed therefor by the committee.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

The committees to whom the same had been referred, reported bills as follows, viz:

By Mr. Bradburn, from the Committee on Kentucky Statutes:

H. B. 237. An act to amend chapter 109, session acts 1891-2-3, entitled, "An act concerning guardians."

By same:

H. B. 207. An act to amend subdivision 1, of article 15 of chapter 46 of Kentucky Statutes, being, "An act concerning executions," approved April 10, 1893.

By same:

H. B. 217. An act to provide for the revising and compiling of the Statute laws of the State of Kentucky.

By same:

H. B. 199. An act to amend an act relating to husband and wife and entitled, "Husband and wife."

By Mr. S. A. Smith, from the Committee on Municipalities:

H. B. 37. An act to amend section 46 of article 6, chap-

ter 250, of an act entitled, "An act for the government of cities of the fifth class."

By Mr. Tracy, from the Committee on Constitutional Amendments:

H. B. 165. An act to amend section 147 of the present Constitution of the State of Kentucky, relating to suffrage and elections.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Mr. Tracy, from the Committee on Constitutional Amendments, to whom the same had been referred, reported:

H. Res. 12. Resolution of amendment to the present Constitution of Kentucky.

With the expression of opinion that it should not be adopted.

Said resolution was read the first time in full.

The question being taken on ordering said resolution to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said resolution was rejected.

Mr. Bradburn, from the Committee on Kentucky Statutes, to whom the same had been referred, reported:

H. Res. 10. Resolution fixing and declaring the first Monday in September of each year a legal holiday in the Commonwealth of Kentucky.

With the expression of opinion that it should not pass.

Said resolution was read the first time in full.

The question being taken on ordering said resolution to be

read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said resolution be printed, placed in the order of the day, and read the second time on some other day.

Mr. Tracy, from the Committee on Constitutional Amendments, reported bills as follows:

H. B. 121. An act to amend section 145 of the Constitution of Kentucky.

By same:

H. B. 266. An act to secure to the people of the State of Kentucky the right to propose legislation to the Legislature, and vote upon certain questions, called the referendum law.

With the expression of opinion that they should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bills be printed, placed in the orders of the day, and read the second time on some other day.

The House took from the orders of the day:

H. B. 103. An act to repeal an act entitled, "An act to exclude Crab Orchard Springs from Crab Orchard."

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act to exclude Crab Orchard Springs from the limits of Crab Orchard," approved March 18, 1871, be, and the same is hereby repealed.

Sec. 2. That this act shall take effect within ninety days after the adjournment of the General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	Anderson Hatfield,	R. E. Richardson,
J. L. Brown,	J. A. Ingram,	E. H. Read,
Geo. H. Bishop,	R. C. Jarnagin,	J. S. Robey,
A. Bertram,	J. H. Lackey,	S. Atwood Smith,
W. H. Cole,	D. D. Lykins,	F. G. Shepherd,
Reuben Conner,	Joseph F. Laufer,	W. T. Sharp,
A. H. Charlton,	J. M. Lee,	O. P. Searcy,
W. W. Combs,	J. R. Mallory,	Miles Spurlock,
T. W. Clark,	Reuben Morris,	Waller Sharp,
W. T. Chilton,	J. R. Mount,	G. B. Stout,
J. C. Cantrill,	J. J. Marquette,	Ham. Shehan,
J. E. Cahill,	R. C. Myers,	B. F. Saunders,
J. Morgan Chinn,	Noah Marsee,	A. J. Thompson,
John Collins,	John M. Moore,	Frank M. Tracy,
A. S. Denton,	W. H. McKee,	South Trimble,
Claude Desha,	J. H. Minor,	George Traver,
J. B. Depp,	W. A. Morris,	H. S. Vanzant,
M. T. Freeman,	M. F. North,	L. E. Weatherford.
W. W. Gill,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. Holland,	Chas. F. Ogden,	R. E. Watkins,
C. W. Haverly,	Michael O'Sullivan,	R. C. Walker,
J. S. Hood,	L. J. Owen,	David Woods,
W. C. G. Hobbs,	E. Petty,	J. D. Wills,
James M. Hall,	W. C. Pike,	Jas. H. Williams-77.
J. P. Haswell, Jr.,	A. B. Fieratt,	

Those who voted in the negative were: .

J. P. Jeffries—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.



Mr. Tracy moved that the rules of the House be suspended, in order that the Committee on Public Health might report:

H. B. 93. An act continuing the Kentucky State Dental Association and defining the duties of said association and regulating the practice of dentistry in this Commonwealth.

Said motion was adopted.

The yeas and nays being required thereon, by a rule of the House, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. S. Hood,	A. B. Pieratt,
J. L. Brown,	W. C. G. Hobbs,	R. E. Richardson,
George H. Bishop,	G. W. Hickman,	J. S. Robey,
A. Bertram,	J. A. Ingram,	S. Atwood Smith,
W. H. Cole,	J. H. Lackey,	O. P. Searcy,
Reuben Conner,	Joseph F. Laufer,	Miles Spurlock,
A. H. Charlton,	J. M. Lee,	Waller Sharp,
W. W. Combs,	J. J. Marquette,	G. B. Stout,
T. W. Clark,	John M. Moore,	Ham. Shehan,
J. C. Cantrill,	W. A. Morris,	B. F. Saunders,
J. E. Cahill,	M. F. North,	Frank M. Tracy,
John Collins,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Chas. F. Ogden,	George Traver,
J. B. Depp,	Michael O'Sullivan,	L. E. Weatherford,
W. W. Gill,	L. J. Owen,	C. A. Wilson,
W. C. Holland,	E. Petty,	R. E. Watkins,
C. W. Haverly,	W. C. Pike,	R. C. Walker—51.

Those who voted in the negative were:

W. T. Chilton,	D. D. Lykins,	W. H. Ragland,
Claude Desha,	J. R. Mallory,	E. H. Read,
M. T. Freeman,	Reuben Morris,	W. T. Sharp,
James M. Hall,	J. R. Mount,	A. J. Thompson,
J. P. Haswell, Jr.,	R. C. Myers,	H. S. Vanzant,
Anderson Hatfield,	Noah Marsee,	David Woods,

J. P. Jeffries,

F. May,

J. D. Wills,

R. C. Jarnagin,

J. H. Minor,

Jas. H. Williams—24.

The Committee on Public Health reported said bill with a substitute proposed therefor by the committee.

Mr. Moore moved an amendment to said substitute.

Said amendment was rejected.

Mr. Williams moved an amendment to said substitute.

Said amendment was rejected.

Mr. Moore moved an amendment to said substitute.

Said amendment was rejected.

The question being taken on the adoption of said substitute it was decided in the affirmative.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That after the fifteenth day of August, 1898, it shall be unlawful for any person to practice or to offer to practice denistry in this Commonwealth, who has not obtained a license, as required by the provisions of this act, or under any name other than the one in which such license has been granted; Provided, Nothing herein contained is to be construed to prevent physicians or surgeons from extracting teeth, in necessary cases, or performing surgical operations in the course of their professional duties, nor to prevent students in chartered dental colleges from performing dental operations under the immediate personal supervision of their instructors.

Sec. 2. The Kentucky State Dental Association is continued under its present organization and shall have power to adopt such by-laws for its government as are not inconsistent with law.

Sec. 3. A board of five examiners is hereby created; the

members thereof shall be elected by the Kentucky State Dental Association at its regular annual sessions for a term of two years and until their successors are elected, but of those first elected two shall hold office for a term of one year. Each member of the board shall be a member of the Kentucky State Dental Association in good standing, and a practicing dentist who has been in actual practice for not less than five years next preceding his election; but no member of the faculty of, or instructor in, any school, college or university in which a course in dentistry or oral surgery is taught shall be eligible to act as a member of the board. Vacancies in the board shall be filled, for the unexpired terms, by the president of the Kentucky State Dental Association.

Sec. 4. A majority of the members of the board shall constitute a quorum for the purpose of carrying on business, and if at the time of meeting a quorum is not present, those present may adjourn from day to day until a quorum appear. The first meeting of the board shall be on the fourth Monday after the adjournment of the next session of the Kentucky State Dental Association, and it shall remain in session not less than one week. Its regular meetings shall be held on the first Saturday in January of each year in the city of Lexington, Ky., and the first Saturday in July of each year in the city of Hopkinsville, Ky. It shall make an annual report to the Kentucky State Dental Association, and its proceedings shall at all times be open to public inspection.

Sec. 5. The board shall issue license to practice dentistry and oral surgery:

1. To any person who has been lawfully engaged in the practice of dentistry in this Commonwealth continuously since the year 1886, who files with its secretary as evidence thereof his affidavit, supported by affidavits of a resident of the county in which he resides, and of each county in which he has practiced, establishing such fact and setting out the name of the county in which the applicant resides, and of each county in

which he has practiced; and if any such affidavit be wilfully false, the affiant therein shall be subject to conviction and punishment for perjury.

2. To such persons as file with its secretary a license or certificate to practice dentistry in this Commonwealth, duly issued to him, before the passage of this act by any board of examiners authorized to issue the same.

3. To such persons as exhibit before it a certificate of graduation or diploma of a reputable school or college of dentistry, and who shall satisfy the board that the person presenting such certificate of graduation or diploma is the person to whom it was issued; Provided, That the board consider the certificate of graduation or diploma sufficient evidence that the person presenting it possesses sufficient knowledge and skill.

4. To such persons as pass an examination before it. Examinations shall be held only at the regular meetings of the board, and shall be conducted under rules prepared by the board and left with its secretary for not less than four months before the time of examination.

Nothing herein shall be construed to authorize the board to issue a license to any itinerant dentist, or to authorize any itinerant dentist to practice dentistry in any county in this State. But a dentist having a regular practice in three or four counties in this State, and having his offices at different places therein, shall not be considered an itinerant dentist within the meaning of this section.

Sec. 6. The board may refuse to issue a license to any person guilty of grossly unprofessional conduct of a character likely to deceive or defraud the public; and it may, after ten days' notice and due hearing, revoke such license for like cause. In all cases of refusal or revocation for unprofessional conduct, the applicant or person whose license has been revoked may appeal to the president of the State Board of Health, who may affirm or overrule the decision of the board of examiners; and this decision shall be final.

Sec. 7. The board shall charge a fee of 50 cents for issuing each license to applicants authorized to practice dentistry at the passage of this act, and a fee of \$5.00 for issuing each license to applicants who shall thereafter qualify; and each applicant for examination shall pay it an examination fee of \$10.00, which shall in no case be returned. All funds received by the board shall be paid to its secretary, who shall give such bond as may be required of him by the Kentucky State Dental Association. The expenses of the board shall be paid out of the funds received by it; and from the residue, each member shall receive as compensation \$5.00 for each day of actual service as a member of the board, and his necessary expenses in attending the meetings thereof.

Sec. 8. The clerk of each county court shall keep a book of suitable size, in which licenses granted pursuant to the provisions of this law shall be recorded, and shall receive a fee of 50 cents for recording each license therein. Before any person to whom a license has been granted shall offer to do business as a practicing dentist in any county in this State, he shall first present the same to the clerk of the county court of the county in which he is about to practice and have it recorded in the book kept for that purpose. If any person to whom a license has been granted, but who has not recorded the same according to the provisions of this section, offer to do business as a practicing dentist in this State, he shall become liable to a penalty of twenty-five dollars, payable to the Board of Examiners, and to be recovered by it in a civil action.

Sec. 9. Practicing dentistry as referred to in the first section of this act is to be construed to include the performance, by any person, of any operation upon the person of another which may come within the regular business of dentists or dental surgeons.

Sec. 10. Any person violating the first section of this act shall be guilty of a misdemeanor, and punishable by a fine of not less than twenty-five dollars nor more than one hundred

dollars and fifty days' imprisonment, or either, or both. It shall be the duty of the State and local boards of health to bring to the attention of the courts any violations of the provisions of this law occurring within their respective jurisdiction.

Sec. 11. It shall be unlawful for any dentist or dental surgeon to use in the practice of dentistry as hereinbefore defined, any secret, proprietary or patent medicines, preparation or compound of a dangerous nature, the composition of which is unknown to the person using it, or to the dental profession at large. If any person violate the provisions of this section he shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars and a forfeiture of his license.

Sec. 12. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The yeas and nays being required, thereon, by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Haswell, Jr.,	Michael O'Sullivan,
B. W. Bradburn,	G. W. Hickman,	Harry C. Pulliam,
A. C. Brown,	R. C. Jarnagin,	E. Petty,
A. Bertram,	Joseph F. Laufer,	R. E. Richardson,
Reuben Conner,	R. C. Myers,	S. Atwood Smith,
A. H. Charlton,	Noah Marsee,	G. Weissinger Smith,
W. T. Chilton,	W. H. McKee,	F. G. Shepherd,
J. C. Cantrill,	J. H. Minor,	G. B. Stout,
John Collins,	W. A. Morris,	B. F. Saunders,
A. S. Denton,	M. F. North,	Frank M. Tracy,
J. S. Hood,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins—37.
James M. Hall,		

Those who voted in the negative were:

J. L. Brown,	J. H. Lackey,	J. S. Robey,
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W. H. Cole,	D. D. Lykins,	W. T. Sharp,
W. W. Combs,	J. M. Lee,	O. P. Searcy,
T. W. Clark,	J. R. Mallory,	Miles Spurlock,
J. E. Cahill,	Reuben Morris	Waller Sharp,
J. Morgan Chinn,	J. R. Mount,	Ham. Shehan,
Claude Desha,	J. J. Marquette,	A. J. Thompson,
J. B. Depp,	John M. Moore,	George Traver,
M. T. Freeman,	F. May,	H. S. Vanzant,
W. W. Gill,	Emmett Orr,	L. E. Weatherford,
W. C. Holland,	L. J. Owen,	R. C. Walker,
C. W. Haverly,	A. B. Pieratt,	David Woods,
Anderson Hatfield,	W. H. Ragland,	J. D. Wills,
J. A. Ingram,	E. H. Read,	Jas. H. Williams—43.
J. P. Jeffries,		

So said bill was rejected.

A message was received from the Senate, announcing that they had disagreed to:

H. B. 22. An act to prohibit the marriage of first cousins.

That they had concurred in:

H. Res. 14. Resolution providing for appointment of sub-committees to visit various charitable institutions of this Commonwealth.

That they had passed bills originating in the Senate of the following titles:

1. S. B. 19. An act to amend and re-enact section 1819 of chapter 32, Kentucky Statutes, entitled, "Corporations, private; penalty and damages for extortion; discrimination; preference; jurisdiction, duty of commission; limitation;" same being section 226, article 5, subdivision 2 of chapter 171, acts of the General Assembly of Kentucky, which became a law April 5, 1893.
2. S. B. 36. An act to amend section 1 of an act to amend an act entitled, "An act for the government of towns of the sixth class," approved March 19, 1894.

3. S. B. 44. An act to amend and re-enact section 1 of chapter 31 of an act providing for the creation and regulation of private corporations, approved March 21, 1896.

Ordered that said bills be referred: The first to the Committee on Railroads; the second to the Committee on Municipalities, and the third to the Committee on Corporate Institutions.

The House took from the orders of the day:

- H. B. 105. An act to amend section 950, subdivision 2, article 1, chapter 35 Kentucky Statutes.

Ordered that said bill be recommitted to the Committee on County and City Courts.

The House took from the orders of the day:

- H. B. 129. An act to repeal section 1312 of Kentucky Statutes, relating to confession of judgment in penal cases.

Ordered that said bill be recommitted to the Committee on Kentucky Statutes.

The House took from the orders of the day:

- H. B. 133. An act to regulate the practice of embalming in this Commonwealth.

Mr. Laufer moved an amendment to said bill.

Said amendment was rejected.

An amendment heretofore proposed by the committee was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time, and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That for the better protection of life and health, and to prevent the spread of contagious diseases, there is hereby established and created a board to be known as the State Board of Embalming of Kentucky.



Section 1. Each member shall serve for a term of four years from the date of his appointment going into effect, except those first appointed who shall serve as follows: One for one year, one for two years, one for three years, and two for four years.

The Governor shall designate the number of years each of those first appointed shall serve. The first board shall be appointed on or before the first day of June, 1898. All subsequent appointments on the board, except to fill vacancies, shall be selected from three names which shall each year be sent to the Governor by the State Board of Health.

The members of said Board of Embalmers shall be residents of the State of Kentucky, and each of whom shall have at least had five years' experience in the practice of embalming, and the care of, and the disposition of dead human bodies in this State.

The Governor shall have power to remove from office any member of said board for neglect of duty, incompetency, or improper conduct.

Sec. 2. One member of the Board of Embalmers on State Board of Health—At the time of appointing members of the State Board of Embalmers, the Governor shall designate, and appoint one of said board, to be also a member of the State Board of Health; but without expense to said Board, whose duty it shall be to serve on the State Board of Health during the time that he is a member of the State Board of Embalmers; the Governor shall appoint such members successor on the State Board of Health from the State Board of Embalmers, said membership shall be in addition to that of said Board of Health as now provided for by law.

Sec. 3. The Governor shall furnish each person, appointed to serve on the State Board of Embalmers, a certificate of appointment.

The appointee shall qualify by taking the usual oath of office before a county or corporation court of the county or corporation in which the said person may reside, within ten days after said appointment has been made, and this fact shall

be noted on the certificate of appointment, and shall be filed with the Board of Embalmers.

Sec. 4. The first meeting of the board shall be held on the second day of July, 1898, or as soon thereafter as may be practicable; three members shall constitute a quorum.

Sec. 5. There shall be elected at the first meeting a president and a secretary, from the members of said board, who shall serve for one year, or until their successor shall be elected and have qualified.

The secretary shall furnish such bond as may be required of him by the board.

Sec. 6. The board may adopt a common seal. The president of said board (and in his absence, a president pro tem. elected by the members present) is hereby authorized to administer oath to witnesses testifying before said board.

The said board shall from time to time, adopt rules, regulations and by-laws, not inconsistent with the laws of this State, or of the United States, whereby the performance of the duties of said board, and the practice of embalming of dead human bodies shall be regulated.

The said board shall meet at least once in each year, and may meet as often as the proper and efficient discharge of its duties shall require.

Sec. 7. License, etc.—From and after the passage of this act every person now engaged or desiring to engage in the practice of embalming dead human bodies within the State of Kentucky, shall make a written application to the State Board of Embalming for a license, accompanying the same with the license fee of five dollars, whereupon, the applicant as aforesaid, shall present himself or herself before said board at a time and place to be fixed by said board, and if the board shall find upon due examination that the applicant is of good moral character, possessed of skill and knowledge of said science of embalming and the care and disposition of the dead, and has

a reasonable knowledge of sanitation and the disinfection of bodies of deceased persons, and the apartment, clothing and bedding in case of death from infectious or contagious diseases, the board shall issue to said applicant a license to practice said science of embalming and the care and disposition of the dead, and shall register such applicant as a duly licensed embalmer. Such license shall be signed by a majority of the board and attested by its seal. All persons receiving a license under the provisions of this act shall also register the fact at the office of the board of health, of this city, and where there is no board of health, with the clerk of the town, or county court in the jurisdiction of which it is proposed to carry on said practice, and shall display said license in a conspicuous place in the office of said licentiate.

Sec. 8. Every registered embalmer who desires to continue the practice of his profession, shall annually thereafter, during the time he shall continue in such practice, or such date as said board may determine, pay to the secretary of said board a fee of two dollars for the renewal of registration.

Sec. 9. All expenses, salary and per diem to members of this board shall be paid from fees received under provisions of this act, and shall in no manner be an expense to the State.

All moneys received in excess of said per diem allowance and other expenses provided for, shall be paid by the secretary of said board as a special fund for meeting the expenses of said board.

Sec. 10. On and after the first day of June, 1898, it shall be unlawful for any person not a registered embalmer to practice or pretend to practice the science of embalming unless said person is a registered embalmer within the meaning of this chapter.

Sec. 11. Nothing in this act shall apply to or in any manner interfere with the duties of any officer of local or State institutions, nor shall this act apply to any person engaged

simply in the furnishing of burial receptacles for the dead and burying the dead, not embalming.

Sec. 12. Any person who shall practice or hold himself or herself out as practicing the science of embalming, without having complied with the provision of this act, shall be guilty of a misdemeanor, and, upon conviction thereof before any court, shall be sentenced to pay a fine of not less than fifty dollars nor more than one hundred dollars for each and every offense.

All fines assessed for the violation of any of the provisions of this act shall be paid into the public school fund of this Commonwealth.

This act shall apply only to cities in this Commonwealth having a population of three thousand or more.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	J. R. Mallory,	J. S. Robey,
A. H. Charlton,	J. R. Mount,	G. Weissinger Smith.
J. C. Cantrill,	W. H. McKee,	G. B. Stout,
John Collins,	Chas. F. Ogden,	Frank M. Tracy,
W. C. G. Hobbs,	Michael O'Sullivan,	South Trimble,
J. P. Haswell, Jr.,	Harry C. Pulliam,	George Traver—19.
Joseph F. Laufer,		

Those who voted in the negative were:

Bruce Adkins,	James M. Hall,	A. B. Pieratt,
J. L. Brown,	G. W. Hickman,	W. H. Ragland,
George H. Bishop,	Anderson Hatfield,	R. E. Richardson,
A. Bertram,	J. A. Ingram,	E. H. Read,
W. H. Cole,	J. P. Jeffries,	F. G. Shepherd,
W. W. Combs,	R. C. Jarnagin,	O. P. Searcy,
T. W. Clark,	J. M. Lee,	Miles Spurlock,
W. T. Chilton,	Rueben Morris,	Ham. Shehan,
J. E. Cahill,	J. J. Marquette,	B. F. Saunders,
J. Morgan Chinn,	R. C. Myers,	A. J. Thompson,

A. S. Denton,	John M. Moore;	H. S. Vanzant,
Claude Desha,	F. May,	L. E. Weatherford,
J. B. Depp,	J. H. Minor,	C. A. Wilson,
M. T. Freeman,	W. A. Morris,	R. E. Watkins,
W. W. Gill,	M. F. North,	R. C. Walker,
W. C. Holland,	Chas. Aaron Nelson,	David Woods,
C. W. Haverly,	Emmett Orr,	J. D. Wills,
J. S. Hood,	E. Petty,	Jas. H. Williams—54.

So said bill was rejected.

And then the House adjourned.

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TUESDAY, FEBRUARY 1, 1898.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills, the following were introduced and referred:

By Mr. Traver:

H. B. 275. An act in relation to circuit court judges.

Referred to the Committee on County and Circuit Courts.

By Mr. Traver:

H. B. 276. An act in relation to locating public roads in this Commonwealth.

Referred to the Committee on County and City Courts.

By Mr. Traver:

H. B. 277. An act to prevent the spread of contagious and infectious diseases.

Referred to the Committee on Public Health.

By Mr. Sargent:

H. B. 278. An act to prevent mob violence.

Referred to the Committee on Criminal Law.

By Mr. Gill:

H. B. 279. An act amending an act relating to medicine and surgery.

Referred to the Committee on Public Health.

By Mr. Weatherford:

H. B. 280. An act to repeal an act entitled, "An act to amend section 1, article 6, of chapter 103 of session acts of 1891-2-3, entitled, 'An act relating to revenue and taxation.'"

Referred to the Committee on Revenue and Taxation.

By Mr. Desha:

H. B. 281. An act to regulate assessment of property in this Commonwealth.

Referred to the Committee on Revenue and Taxation.

By Mr. Desha:

H. B. 282. An act to prevent, and to provide punishment for reproduction of prize fights by photographs in this Commonwealth.

Referred to the Committee on Public Morals.

By Mr. Ragland:

H. B. 283. An act for the benefit of ex-sheriffs in this Commonwealth.

Referred to the Committee on Revenue and Taxation.

By Mr. Ragland:

H. B. 284. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

Referred to the Committee on Revenue and Taxation.

By Mr. Ragland:

H. B. 285. An act to amend and re-enact section 19 of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, as amended by section 2, chapter

45 of the session acts of 1894; the same being section 4147 of the Kentucky Statutes.

Referred to the Committee on Revenue and Taxation.

By Mr. Ragland:

H. B. 286. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

Referred to the Committee on Revenue and Taxation.

By Mr. Tracy:

H. B. 287. An act to amend section 2, article 1 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

Referred to the Committee on Municipalities.

By Mr. Abele:

H. B. 288. An act to amend section 2500, granting lien on horses and cattle for feed furnished.

Referred to the Committee on Kentucky Statutes.

By Mr. North:

H. B. 289. An act to appropriate \$500 to mark and preserve the graves of Confederate soldiers who were slain at Perryville, Kentucky.

Referred to the Committee on Military Affairs.

By Mr. Letterle:

H. B. 290. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Referred to the Committee on Municipalities.

By Mr. Geo. Weissinger Smith:

H. B. 291. An act to amend section 109, chapter 1, title 6, of the Code of Practice in criminal cases.

Referred to the Committee on Codes of Practice.

By Mr. Geo. Weissinger Smith:

H. B. 292. An act to amend sections 6 and 7 of an act entitled, "An act to amend the provisions of the civil code of practice concerning injunctions," approved March 19, 1894.

Referred to the Committee on Codes of Practice.

By Mr. Geo. Weissinger Smith:

H. B. 293. An act to amend an act entitled, "An act concerning liens," approved February 25, 1893, by adding thereto section 4, article—.

Referred to the Committee on Kentucky Statutes.

By Mr. Geo. Weissinger Smith:

H. B. 294. An act to amend and re-enact section 2 of an act entitled, "An act to divide the State of Kentucky into circuit court districts," approved July 1, 1892.

Referred to the Committee on Circuit Courts.

By Mr. G. Weissinger Smith:

H. B. 295. An act to amend and re-enact an act entitled, "An act concerning courts having four judges," approved August 22, 1892.

Referred to the Committee on Court of Appeals.

By Geo. Weissinger Smith:

H. B. 296. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893, being chapter 47 of the Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Geo. Weissinger Smith:

H. B. 297. An act providing for the regulation of all corporations, stock companies, partnerships or individuals owning and operating telephone lines in the Commonwealth of Kentucky.

Referred to the Committee on Corporate Institutions.

By Mr. S. Atwood Smith:

H. B. 298. An act to amend an act entitled, "An act relat-



ing to revenue and taxation," which became a law November 11, 1892.

Referred to the Committee on Revenue and Taxation.

By Mr. Chinn:

H. B. 299. An act to amend an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein."

Referred to the Committee on Kentucky Statutes.

By Mr. Williams:

H. B. 300. An act amending an act to punish persons for fraudulently selling, concealing or disposing of mortgaged personal property, approved February 3, 1874.

Referred to the Committee on Kentucky Statutes.

By Mr. Bradburn:

H. B. 301. An act entitled, an act to amend and revise the common school laws of Kentucky.

Referred to the Committee on Education.

By Mr. Bradburn:

H. B. 302. An act to amend section 65, title 5, Civil Codes of Practice of Kentucky.

Referred to the Committee on Kentucky Statutes.

By Mr. Bradburn:

H. B. 303. An act to define trusts and to provide for penalties and punishments of corporations, persons, firms and associations of persons connected with them and to promote free competition in the State of Kentucky.

Referred to the Committee on Corporate Institutions.

By Mr. Tracy:

H. B. 304. An act to provide for maintaining circuit courts and their offices and furnishing services and assistance to courts

of cities of the second class in this Commonwealth, wherein sit circuit courts of continuous session.

Referred to the Committee on Judiciary.

By Mr. Tracy:

H. B. 305. An act to provide for the appointment of official stenographic reporters in counties constituting a separate judicial district having a city of the second class.

Referred to the Committee on Judiciary.

By Mr. Mears:

H. B. 306. An act entitled, an act for the benefit of the pauper idiot.

Referred to the Committee on Claims.

By Mr. Adkins:

H. B. 307. An act to amend sections 4196 and 4198 of article 10, subdivision 1 of chapter 108 and to amend section 4221 of article 10, subdivision 3 of chapter 108 of the acts of the General Assembly of the Commonwealth of Kentucky entitled, "Revenue and taxation," approved November 11, 1892.

Referred to the Committee on Revenue and Taxation.

Mr. Williams moved that:

H. B. 221. An act for the benefit of the pauper idiots and lunatics of the State of Kentucky.

Be withdrawn from the Committee on Propositions and Grievances and referred to the Committee on Claims.

Said motion was adopted.

The committee to whom the same had been referred, reported bills and a resolution as follows, viz:

By Mr. Chilton, from the Committee on Claims:

H. B. 239. An act for the benefit of James T. Buford.

By Mr. Petty, from the Committee on Public Morals:

H. B. 137. An act prohibiting ball playing on the Sabbath, and providing a punishment therefor.

By Mr. Richardson, from the Committee on Internal Improvements:

H. B. 82. An act to repeal in part chapter 106 of the acts of 1867, approved January 22, 1867.

By Mr. Tracy, from the Committee on Constitutional Amendments:

H. Res. 2. Resolution providing for amendment to the Constitution.

Said bills were read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. North, from the Committee on Propositions and Grievances, reported:

S. Res. 4. Resolution calling upon our Senators and Representatives in Congress to favor and vote for what is known as the "Teller Resolution."

Mr. Meyers moved to lay said resolution on the table.

Said motion was rejected.

Said resolution was adopted.

Mr. Petty, from the Committee on Public Morals, to which the same had been referred, reported:

H. B. 5. An act to prohibit the use of cigarettes, and to provide the punishment for its violation.

With a substitute proposed therefor by the committee.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Richardson, from the Committee on Internal Improvements, to which the same had been referred, reported:

H. B. 177: An act entitled an act to establish and maintain a uniform system of free turnpike, plank and gravel roads in every county in the State of Kentucky.

H. B. 98. An act to provide for the permanent improvement of public roads in this State.

With the expression of opinion that said bills should not pass.

Unanimous consent was granted for the withdrawal of said bills.

The hour of 11 o'clock having arrived the House took up for consideration the special order for that hour, viz:

H. B. 166. An act to regulate the sale of leaf tobacco on the public markets of Kentucky.

Mr. Orr moved to amend section 1 of said bill by striking out the words "prima facie," and inserting in lieu thereof the word "conclusive."

Said amendment was adopted.

Mr. Haswell moved to recommit said bill to the Committee on Agriculture and Manufactures.

Said motion was rejected.

Mr. Desha moved an amendment to said bill.

Said amendment was rejected.

Mr. Sargent moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bills be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the inspection and sampling of leaf tobacco offered for sale at public auction at public warehouses in this State, when done by the authorized agent or inspector of said public warehouse or warehouses, the sample so secured and exhibited, by which said tobacco is sold shall be conclusive evidence of the grade of said box, bale or hogshead so offered; Provided, That said inspector, warehouse company or buyer

shall, within ten days after such sale and before said tobacco has left the county where sold, find, on further inspection, that said bale, box or hogshead has been falsely and fraudulently packed.

Sec. 2. Any buyer, warehouse company, agent or inspector who shall make any claim for reclamation of the seller after purchase (except as provided above) by reason of any inferior or faulty inspection, shall be deemed guilty of a misdemeanor, and upon conviction in the circuit court of the county in which the claim is made, shall be fined not less than \$50 dollars nor more than \$250, in the discretion of the court or jury trying the case; and every bale, box or hogshead on which said claim is made shall constitute a separate offense.

Sec. 3. It shall be unlawful for any buyer to reject any box, bale or hogshead purchased by him by reason of any rejection on the part of the seller of any other lot of tobacco which said buyer may have purchased of said seller. That any person so offending shall be guilty of a misdemeanor, and liable as under section 2 of this act.

Sec. 4. That all acts or parts of acts in conflict herewith are hereby repealed.

That this act shall be in force from its passage, by reason of the large amount of leaf tobacco sold on the public markets and the numerous reclamations made of the growers and sellers, therefore an emergency is herein declared to exist, necessitating its immediately becoming a law.

The yeas and nays being required thereon, by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	E. Petty,
Bruce Adkins,	W. B. Henderson,	W. C. Pike,
T. H. Armstrong,	G. W. Hickman,	A. B. Pieratt,
A. C. Brown,	Anderson Hatfield,	R. E. Richarkson,
George H. Bishop,	J. A. Ingram,	E. H. Read,

A. Bertram,	R. C. Jarnagin,	J. S. Robey,
W. H. Cole,	J. H. Lackey,	F. G. Shepherd,
Reuben Conner,	D. D. Lykins,	J. A. Small,
W. W. Combs,	J. M. Lee,	Andrew Sargent,
T. W. Clark,	Reuben Morris,	W. T. Sharp,
W. T. Chilton,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	J. J. Marquette,	Miles Spurlock,
J. C. Cantrill,	W. J. Mears,	Ham. Shehan,
J. E. Cahill,	Noah Marsee,	B. F. Saunders,
J. Morgan Chinn,	John M. Moore,	A. J. Thompson,
A. S. Denton,	W. H. McKee,	South Trimble,
Claude Desha,	W. A. Morris,	George Traver,
J. B. Depp,	J. Mc. Meloan,	H. S. Vanzant,
M. T. Freeman,	M. F. North,	L. E. Weatherford,
W. C. Holland,	Chas. Aaron Nelson,	C. A. Wilson,
C. W. Haverly,	Emmett Orr,	R. C. Walker,
J. S. Hood,	Chas. F. Ogden,	David Woods,
J. A. Humphreys,	Michael O'Sullivan,	J. D. Wills,
W. C. G. Hobbs,	L. J. Owen,	Jas. H. Williams—73.
James M. Hall,		

Those who voted in the negative were:

B. W. Bradburn,	John M. Letterle,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mallory,	Waller Sharp,
John Collins,	J. D. Mocquot,	G. B. Stout,
J. P. Haswell, Jr.,	R. C. Myers,	Frank M. Tracy,
J. P. Jeffries	F. May,	R. E. Watkins—17.
Joseph F. Laufer,	W. H. Ragland,	

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Orr moved to reconsider the vote by which said bill was passed, and moved to lay that motion on the table.

Said motion was adopted.

The House took from the orders of the day:

H. B. 30. An act to regulate the charges of stock yards in this Commonwealth.

Mr. Mount moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That any person or persons or corporation, either singly, collectively, or as a corporation, whether incorporated by an act of the Legislature or under the Statutes of 1856, who keeps, maintains, or furnishes lots or pens, and furnishes provender or feed, or both, and facilities for receiving, feeding, watering, and selling stock of any kind for pay, within this Commonwealth, shall be known and designated as the owner and operator of a stock yard.

Sec. 2. That it shall be unlawful for any person, persons, or corporation owning or operating a stock yard within this Commonwealth for pay or hire to make any charge greater than those hereinafter provided in section 3 of this act.

Sec. 3. That the charges for pennage, watering and weighing cattle, sheep and hogs of any greater sum than 10 cents per head for cattle weighing less than three hundred pounds, which shall be known and denominated as calves, nor more than seventeen and one-half cents per head for cattle weighing more than three hundred pounds; or more than five cents per head for hogs; which charges shall in no case exceed six dollars per single deck car load, nor more than ten dollars for double deck car load, nor shall they charge more than four cents per head for sheep, which charge shall in no case exceed four dollars for single deck cars nor more than eight dollars for a double deck car; nor shall they charge more than double the market price for any feed or provender furnished said stock, the

same to be weighed and the charges to be determined by actual weight at the exact market price as of the date of the transaction.

Sec. 4. Any person, or persons or corporations violating the provisions of this act or any of them, shall be guilty of a misdemeanor, and shall be fined not less than twenty-five nor more than one hundred dollars for each offense.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were: ,

M. Abele,	W. B. Henderson,	E. Petty,
Bruce Adkins,	G. W. Hickman,	W. C. Pike,
B. W. Bradburn,	Anderson Hatfield,	A. B. Fieratt,
A. C. Brown,	J. A. Ingram,	L. C. Rawlings,
Geo. H. Bishop,	R. C. Jarnagin,	W. H. Ragland,
A. Bertram,	J. H. Lackey,	R. E. Richardson,
W. H. Cole,	D. D. Lykins,	E. H. Read,
Reuben Conner,	J. M. Lee,	J. S. Robey,
W. W. Combs,	J. R. Mallory,	F. G. Shepherd,
T. W. Clark,	J. D. Mocquot,	J. A. Small,
W. T. Chilton,	Reuben Morris,	O. P. Searcy,
W. H. Cooke,	J. R. Mount,	Miles Spurlock,
J. C. Cantrill,	J. J. Marquette,	G. B. Stout,
J. E. Cahill,	W. J. Mears,	Ham. Shehan,
J. Morgan Chinn,	R. C. Myers,	B. F. Saunders,
A. S. Denton,	Noah Marsee,	A. J. Thompson,
Claude Desha,	John M. Moore,	George Traver,
J. B. Depp,	W. H. McKee,	H. S. Vanzant,
M. T. Freeman,	J. H. Minor,	L. E. Weatherford,
W. C. Holland,	W. A. Morris,	C. A. Wilson,
C. W. Haverly,	J. Mc. Meloan,	R. E. Watkins,
J. A. Humphreys,	M. F. North,	R. C. Walker,
W. C. G. Hobbs,	Chas. Aaron Nelson,	David Woods,
John T. Hinton,	Michael O'Sullivan,	J. D. Wills,
J. P. Haswell, Jr.,	L. J. Owen,	Jas. H. Williams-75.



Those who voted in the negative were:

T. H. Armstrong,	James M. Hall,	Chas. F. Ogden,
A. H. Charlton,	J. P. Jeffries,	Geo. Weissinger Smith,
John Collins,	Joseph F. Laufer,	Andrew Sargent,
J. S. Hood,	F. May,	W. T. Sharp—12.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 141. An act to amend and re-enact section 1951, chapter 57, Kentucky Statutes, or section 13, chapter 28, acts 1894, entitled, "An act to protect game and small birds."

Mr. Ragland moved to lay said bill on the table.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Ragland and Chinn were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	Anderson Hatfield,	L. J. Owen,
A. C. Brown,	J. A. Ingram,	W. H. Ragland,
George H. Bishop,	J. P. Jeffries,	E. H. Read,
A. Bertram,	R. C. Jarnagin,	W. T. Sharp,
A. H. Charlton,	J. H. Lackey,	Ham. Shehan,
W. H. Cooke,	D. D. Lykins,	B. F. Saunders,
J. Morgan Chinn,	Reuben Morris,	A. J. Thompson,
Claude Desha,	J. R. Mount,	George Traver,
J. B. Depp,	Noah Marsee,	H. S. Vanzant,
J. S. Hood,	John M. Moore,	L. E. Weatherford,
W. C. G. Hobbs,	W. H. McKee,	C. A. Wilson,
James M. Hall,	F. May,	R. C. Walker,
John T. Hinton,	J. Mc. Melqan,	David Woods,
J. P. Haswell, Jr.,	M. F. North,	J. D. Wills,
W. B. Henderson,	Chas. F. Ogden,	Jas. H. Williams—47.
G. W. Hickman,	Michael O'Sullivan,	

Those who voted in the negative were:

M. Abele,	J. M. Lee,	R. E. Richardson,
Bruce Adkins,	J. R. Mallory,	J. S. Robey,
T. H. Armstrong,	J. J. Marquette,	S. Atwood Smith,
W. H. Cole,	W. J. Mears,	G. Weissinger Smith,
Reuben Conner,	R. C. Myers,	F. G. Shepherd,
W. W. Combs,	W. A. Morris,	J. A. Small,
T. W. Clark,	Chas. Aaron Nelson,	Andrew Sargent,
W. T. Chilton,	Emmett Orr,	O. P. Searcy,
J. C. Cantrill,	Harry C. Pulliam,	Miles Spurlock,
J. E. Cahill,	E. Petty,	G. B. Stout,
A. S. Denton,	W. C. Pike,	Frank M. Tracy,
W. C. Holland,	A. B. Pieratt,	South Trimble,
J. A. Humphreys,	L. C. Rawlings,	R. E. Watkins—40.
Joseph F. Laufer,		

So said bill was rejected.

The House took from the orders of the day:

H. B. 143. An act to repeal and re-enact section 31 of article 5 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," relating to city clerks.

Ordered that said bill be read the second time.

Said bill was read the second time and passed as follows, viz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 31 of article 5 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," be and the same is hereby repealed, and in lieu thereof the following is enacted:

Section 31. He shall have the custody of the public records, the original or engrossed copies of ordinances of the city, all original or copies of contracts, deeds and certificates relative to the title of any property of the city; all original or copies

of official, penal indemnity and security bonds, and such other records, papers and documents of value as are not required to be deposited in any other office, all of which shall be registered by number, date and contents.

He shall keep the contract book and ordinance book of the city, and have all contracts and ordinances accurately entered and engrossed in said books respectively.

He shall attest all public instruments and official acts of the mayor by his signature and the seal of the city.

He shall make copies of such original documents, records and papers in his office, as may be required by any officer or person, and charge therefor such fee as may be provided by ordinance, said fees to be for the use and benefit of the city.

He shall have general supervision of the public printing, and see that it is properly executed, and shall file and preserve in his office printed copies of all ordinances passed by the general council which become laws.

He shall register and preserve in his office all contracts, bonds, oaths or affirmation taken or given by city officers or employees, and may administer such oaths or affirmations.

He shall give bond for the faithful performance of his official duties, in the sum of not less than ten thousand dollars with such solvent security as may be approved by the mayor and general council, and shall receive such salary and perform such other duties as the general council may provide by ordinance.

All laws in conflict with this section as re-enacted are hereby repealed.

This act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	L. C. Rawlings,
Bruce Adkins,	J. P. Jeffries,	W. H. Ragland,
B. W. Bradburn,	R. C. Jarnagin,	E. H. Read,
A. C. Brown,	J. H. Lackey,	J. S. Robey,
George H. Bishop,	D. D. Lykins,	S. Atwood Smith,
A. Bertram,	John M. Letterle,	G. Weissinger Smith,
W. H. Cole,	J. M. Lee,	F. G. Shepherd,
Reuben Conner,	J. R. Mallory,	J. A. Small,
A. H. Charlton,	Reuben Morris	Andrew Sargent,
W. W. Combs,	J. R. Mount,	W. T. Sharp,
T. W. Clark,	J. J. Marquette,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	Noah Marsee,	G. B. Stout,
A. S. Denton,	John M. Moore,	Ham. Shehan,
Claude Desha,	W. H. McKee,	B. F. Saunders,
J. B. Depp,	J. H. Minor,	A. J. Thompson,
M. T. Freeman,	W. A. Morris,	Frank M. Tracy,
W. C. Holland,	J. Mc. Meloan,	George Traver,
J. S. Hood,	M. F. North,	H. S. Vanzant,
J. A. Humphreys,	Chas. Aaron Nelson,	L. E. Weatherford,
W. C. G. Hobbs,	Chas. F. Ogden,	C. A. Wilson,
James M. Hall,	Michael O'Sullivan,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.,	Harry C. Pulliam,	David Woods,
W. B. Henderson,	E. Petty,	J. D. Wills,
G. W. Hickman,	W. C. Pike,	Jas. H. Williams—80.
Anderson Hatfield,	A. B. Pieratt,	

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed a bill, which originated in that body, of the following title, viz:

S. B. 62. An act to prevent and punish criminal abortion.

Ordered that said bill be referred to the Committee on Criminal Laws.

The House took from the orders of the day:

H. B. 115. An act to establish a uniform series of text books to be used in the public schools of this Commonwealth and to reduce the price thereof.

Mr. Chinn moved to recommit said bill to the Committee on Education.

Said motion was adopted.

The House took from the orders of the day a bill and resolution as follows, viz:

H. B. 1. An act regulating fire insurance companies and their agents authorized to do business in Kentucky, and providing penalties for violation of the provisions of this act.

H. Res. 8. Resolution authorizing the Librarian to purchase additional copies of the Code of Practice.

Said bill and resolution were severally read the second time, and placed in the orders of the day.

Mr. Richardson, from the Committee on Internal Improvements, to which the same had been referred, reported:

H. B. 42. An act to amend and re-enact section 4308 of article 1, chapter 110 of an act entitled, "An act relating to roads and passways," approved March 10, 1894.

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Richardson, from the Committee on Internal Improvements, to which the same had been referred, reported:

H. B. 36. An act authorizing the employment of convict labor upon public roads, and providing therefor.

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Richardson, from the Committee on Internal Improvements, to which the same had been referred, reported:

H. B. 38. An act to amend section 6 of an act entitled, "An act to provide free turnpike and gravel roads," approved March 17, 1896.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

And then the House adjourned.

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### WEDNESDAY, FEBRUARY 2, 1898.

The House was opened with prayer by Rev. Wm. Crowe, of the Presbyterian church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Petitions were presented as follows:

By Mr. Hobbs:

Petition No. 1. A petition from the Central Labor Council, signed by President H. A. Daniel and Secretary Lloyd A. Cry-

tal, asking the Legislature to pass a law making the first Monday in September (Labor Day), a legal holiday; asking the passage of a bill now before the House making it unlawful for corporations to discriminate against members of labor organizations; asking the passage of a bill now before the General Assembly to provide for regular cars and a 3-cent fare between 5 and 7 o'clock A. M. and 6 and 8 o'clock P. M. on street cars in cities of the first and second classes; also endorsing the pure food bill.

By Mr. Weatherford:

Petition No. 2. "To the Hon. L. E. Weatherford—The undersigned of your constituency, believing that the present plan of county boards of supervisors is as a rule attended with more cost to the county than their work increases the amount of taxes, to say nothing of the great inconvenience to the people, would request you and urge you to use your influence for the passage of an act to do away with said county supervisors;" to which was appended some three hundred names.

Referred to the Committee on Revenue and Taxation.

By Mr. Henderson:

Petition No. 3. Petition to reduce railroad passenger fare from three to two cents per mile (having about seventy-five indorsements).

Referred to the Committee on Railroads.

By Mr. Owen:

Petition No. 4. "The undersigned citizens of Grayson and Breckinridge counties, residing in and around the Falls of Rough, respectfully represent that for some years past they have been greatly annoyed by parties selling what is called cider. The boys gather in and about the places where it is sold, and numerous fights, riots and breaches of the peace result; men and boys get drunk and often have to be carried home. Public worship, school exhibitions and other lawful assemblies are disturbed by parties who have been drink-

ing this so-called cider, and it has become an eyesore to all good citizens. We have appealed to the courts and had parties arrested, but they can not be convicted, because there is no law against the sale of cider. We respectfully ask you to pass a law making it unlawful to sell cider without first obtaining a license from the county court so to do, and placing it under the same law that now governs the sale of spirituous liquors in this State;" with eight hundred or one thousand indorsements.

Referred to the Committee on Criminal Law.

Mr. Bishop moved the adoption of the following resolution. viz:

Whereas, The screen recently erected at the inner door of this House excludes from the view of a large number of members of this honorable body of all that is elegant and beautiful, "the ladies;" therefore, be it

Resolved, That the said screen be declared a nuisance, and that the same be immediately removed.

Ordered that the same be referred to the Committee on Military Affairs.

Mr. Vanzant moved to reconsider the vote by which the House rejected:

H. B. 93. An act continuing the Kentucky State Dental Association and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Tracy and Denton were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	W. C. Pike,
B. W. Bradburn,	J. P. Jeffries,	L. C. Rawlings,
George H. Bishop,	R. C. Jarnagin,	R. E. Richardson,
A. Bertram,	Joseph F. Laufer,	E. H. Read,



W. H. Cole,	John M. Letterle,	S. Atwood Smith,
Reuben Conner,	J. D. Mocquot,	G. Weissenger Smith,
A. H. Charlton,	W. J. Mears,	J. A. Small,
W. H. Cooke,	R. C. Myers,	W. T. Sharp,
John Collins,	Noah Marsee,	G. B. Stout,
A. S. Denton,	John M. Moore.	Ham. Shehan,
M. T. Freeman,	W. H. McKee,	B. F. Saunders,
C. W. Haverly,	J. H. Minor,	Frank M. Tracy,
J. A. Humphreys,	M. F. North,	South Trimble,
W. C. G. Hobbs,	Chas. Aaron Nelson,	George Traver,
James M. Hall.	Chas. F. Ogden,	H. S. Vanzant,
John T. Hinton,	Michael O'Sullivan,	C. A. Wilson,
J. P. Haswell, Jr.,	Harry C. Pulliam,	David Woods—53.
G. W. Hickman,	E. Petty,	

Those who voted in the negative were:

Bruce Adkins,	J. M. Lee,	W. H. Ragland,
W. W. Combs,	J. R. Mallory,	J. S. Robey,
W. T. Chilton,	Reuben Morris,	F. G. Shepherd,
J. E. Cahill,	J. R. Mount,	O. P. Searcy,
J. Morgan Chinn,	J. J. Marquette,	Miles Spurlock,
Claude Desha,	F. May,	A. J. Thompson,
J. B. Depp,	W. A. Morris,	L. E. Weatherford,
W. C. Holland,	J. Mc. Meloan,	R. E. Watkins,
J. S. Hood,	Emmett Orr,	R. C. Walker,
W. B. Henderson,	L. J. Owen,	J. D. Wills,
D. D. Lykins,	A. B. Pieratt,	Jas. H. Williams—33.

The question being then taken on the passage of said bill it was decided in the affirmative.

(See Bill in Journal January 31, 1898.)

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

## Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	W. C. Pike,
B. W. Bradburn,	W. B. Henderson,	L. C. Rawlings,
George H. Bishop,	G. W. Hickman,	R. E. Richardson,
A. Bertram,	Joseph F. Laufer,	E. H. Read,
W. H. Cole,	John M. Letterle,	S. Atwood Smith,
Reuben Conner,	J. D. Mocquot,	G. Weissinger Smith,
A. H. Charlton,	W. J. Mears,	F. G. Shepherd,
W. T. Chilton,	R. C. Myers,	J. A. Small,
W. H. Cooke,	Noah Marsee,	Andrew Sargent,
J. C. Cantrill,	W. H. McKee,	G. B. Stout,
John Collins,	J. H. Minor,	Ham. Shehan,
A. S. Denton,	W. A. Morris,	B. F. Saunders,
M. T. Freeman,	M. F. North,	Frank M. Tracy,
C. W. Haverly,	Chas. Aaron Nelson,	South Trimble,
J. A. Humphreys,	Chas. F. Ogden,	George Traver,
W. C. G. Hobbs,	Michael O'Sullivan,	H. S. Vanzant,
James M. Hall,	Harry C. Pulliam,	C. A. Wilson,
John T. Hinton,	E. Petty,	David Woods—54.

## Those who voted in the negative were:

Bruce Adkins,	J. M. Lee,	W. H. Ragland,
W. W. Combs,	J. R. Mallory,	J. S. Robey,
T. W. Clark,	Rueben Morris,	W. T. Sharp,
J. E. Cahill,	J. R. Mount,	O. P. Searcy,
Claude Desha,	J. J. Marquette,	Miles Spurlock,
J. B. Depp,	John M. Moore,	A. J. Thompson,
W. C. Holland,	F. May,	L. E. Weatherford,
J. S. Hood,	J. Mc. Meloan,	R. E. Watkins,
J. A. Ingram,	Emmett Orr,	R. C. Walker,
J. P. Jeffries,	L. J. Owen,	J. D. Wills,
J. H. Lackey,	A. B. Pieratt,	Jas. H. Williams—34.
D. D. Lykins,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took up for consideration the special order of the day, viz:

H. B. 172. An act to regulate the business of foreign corporations, &c.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all foreign corporations, formed for the purpose or engaged in the business of buying, gathering or accumulating information or news, or of vending, supplying, distributing or publishing the same, shall, as a condition of carrying on any part of said business in this State, at all times, vend, supply, distribute, and publish the news and information bought, gathered, or accumulated by it to any and all persons, firms, and corporations organized under the laws of this State, or carrying on in this State the business of conducting or publishing a newspaper, when such person, firm, or corporation desires to buy or be supplied with such news and information so bought, gathered or accumulated by such foreign corporation, and in vending, supplying, distributing, and publishing the news and information so bought, gathered or accumulated by such foreign corporation; no discrimination in charges or prices shall be made by such foreign corporation between any of the persons, firms, or corporations doing business in this State and desiring to purchase or be supplied with such information and news.

Sec. 2. It shall not be lawful for any foreign corporation or any agent or employee of such corporation, formed for the purpose or engaged in the business of buying, gathering, or accumulating information or news, or of vending, supplying, distributing or publishing the same, to transact any of the business of such corporation in this State after such foreign corporation shall have refused to vend, supply, distribute, or

publish the information or news bought, gathered, or accumulated by it to any person, firm, or corporation engaged in this State in carrying on the business of conducting or publishing a newspaper, when such person, firm, or corporation has notified such foreign corporation, or any agent upon whom process can be served under the laws of this State, of his, their, or its desire to purchase or be supplied with said news or information so bought, gathered, or accumulated by such foreign corporation, and upon his, their, or its offer to pay the same charges or prices therefor which are exacted by said foreign corporation against other persons, firms, or corporations engaged in this State in the business of conducting or publishing a newspaper, and any such foreign corporation, and any agent or employee of such foreign corporation, who shall transact, carry on, or conduct any business in this State for such foreign corporation after it shall have failed to comply with any of the requirements of this act shall be severally guilty of a misdemeanor, and, upon conviction, fined not less than one hundred nor more than one thousand dollars for each offense, and each day's continuance of any part of the business of such foreign corporation in this State, after it shall have failed to comply with any of the requirements of this act, shall constitute a separate offense.

Sec. 3. That inasmuch as grievous discriminations are now made by foreign corporations regulated by this act, and inasmuch as monopolies have been created by such corporations, an emergency is hereby declared to exist, and this act shall take effect from its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	W. H. Ragland,
Bruce Adkins,	Joseph F. Laufer,	R. E. Richarkson,
B. W. Bradburn,	John M. Letterle,	J. S. Robey,

George H. Bishop,	J. M. Lee,	S. Atwood Smith,
A. Bertram,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	J. R. Mount,	J. A. Small,
A. H. Charlton,	J. J. Marquette,	O. P. Searcy,
T. W. Clark,	W. J. Mears,	Miles Spurlock,
W. T. Chilton,	John M. Moore,	G. B. Stout,
W. H. Cooke,	W. H. McKee,	Ham. Shehan,
J. C. Cantrill,	W. A. Morris,	B. F. Saunders,
J. E. Cahill,	J. Mc. Meloan,	A. J. Thompson,
J. Morgan Chinn,	M. F. North,	South Trimble,
A. S. Denton,	Chas. Aaron Nelson,	George Traver,
Claude Desha,	Emmett Orr,	L. E. Weatherford,
J. B. Depp,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	E. Petty,	R. C. Walker,
W. C. G. Hobbs,	W. C. Pike,	J. D. Wills,
W. B. Henderson,	A. B. Pieratt,	Jas. H. Williams—62.
G. W. Hickman,	L. C. Rawlings,	

Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	G. Weissinger Smith,
C. W. Haverly,	Reuben Morris,	Andrew Sargent,
J. S. Hood,	R. C. Myers,	W. T. Sharp,
James M. Hall,	Noah Marsee,	Frank M. Tracy,
J. P. Haswell, Jr.,	F. May,	H. S. Vanzant,
J. A. Ingram,	J. H. Minor,	David Woods—24.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 185. An act to amend section 580 of the Civil Code of Practice concerning evidence and the manner of taking depositions, and the re-enactment of said section as amended.

Mr. Shepherd moved an amendment to said bill.

Mr. Mocquot moved an amendment to said bill.

Mr. Hobbs moved to recommit said bill to the Committee on Codes of Practice.

Said motion was adopted.

The House took from the orders of the day:

H. B. 184. An act to regulate the cost of taking depositions in shorthand.

Ordered that said bill be recommitted to the Committee on Codes of Practice.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

1. S. B. 17. An act for the benefit of J. E. Robbins, of Graves county.
2. S. B. 39. An act requiring any person, persons, or corporation within this Commonwealth, who are now, or may hereafter be engaged in the manufacturing, buying, or selling, or in any way handling mixed flour, to label or brand each and every barrel or package with the ingredients therein contained.

Ordered that said bills be referred: The first to the Committee on Judiciary, and the second, to the Committee on Criminal Law.

Indefinite leave of absence was granted Messrs. J. L. Brown and W. B. Henderson.

The House took from the orders of the day:

H. Res. 8. Resolution authorizing the Librarian to purchase additional copies of the Code of Practice.

Mr. Mallory moved an amendment to said resolution.

Said amendment was adopted.

Ordered that said resolution be read the third time.

Said resolution was read the third time and rejected as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian be, and she is hereby authorized and directed to purchase twelve copies of Bullitt's Code of Practice, to make up for the deficiency in supplying said book to the chairmen of committees. An emergency existing, this resolution shall take effect from its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	Harry C. Pulliam,
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	S. Atwood Smith,
A. Bertram,	Joseph F. Laufer,	G. Weissenger Smith,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
W. T. Chilton,	J. R. Mallory,	Andrew Sargent,
W. H. Cooke,	J. D. Mocquot,	G. B. Stout,
J. Morgan Chinn,	J. R. Mount,	Frank M. Tracy,
A. S. Denton,	John M. Moore,	C. A. Wilson,
W. C. G. Hobbs,	W. H. McKee,	Jas. H. Williams—32.
J. P. Haswell, Jr.,	M. F. North,	

Those who voted in the negative were:

W. H. Cole,	Reuben Morris,	L. C. Rawlings,
Reuben Conner,	J. J. Marquette,	R. E. Richardson,
W. W. Combs,	W. J. Mears,	E. H. Read,
T. W. Clark,	R. C. Myers,	J. S. Robey,
J. E. Cahill,	Noah Marsee,	J. A. Small,
J. B. Depp,	F. May,	O. P. Searcy,
M. T. Freeman,	J. H. Minor,	Miles Spurlock,
W. C. Holland,	W. A. Morris,	Ham. Shehan,
C. W. Haverly,	J. Mc. Meloan,	B. F. Saunders,

J. A. Humphreys,	Chas. Aaron Nelson,	A. J. Thompson,
James M. Hall,	Emmett Orr,	George Traver,
J. A. Ingram,	Chas. F. Ogden,	H. S. Vanzant,
J. P. Jeffries,	L. J. Owen,	L. E. Weatherford,
R. C. Jarnagin,	E. Petty,	R. E. Watkins,
D. D. Lykins,	W. C. Pike,	R. C. Walker,
J. M. Lee,	A. B. Pieratt,	David Woods—48.

So said resolution was rejected.

Mr. Williams moved to reconsider the vote by which said resolution was rejected, and moved to lay that motion on the table.

Said motion was rejected.

The House took from the orders of the day the following bills and resolution, viz:

H. B. 142. An 'act requiring the appointment of at least one woman physician in certain institutions in this Commonwealth.

H. B. 69. An act to amend subsection 2, section 26, article 15 of an act entitled, "An act relating to fees," approved June 15, 1893.

H. B. 140. An act to amend and re-enact section 1, article 2, chapter 31a, General Statutes, acts 1880-2, relating to drifts, logs and timber.

H. B. 149. An act to amend and re-enact section 829, Kentucky Statutes.

H. B. 151. An act to prevent railroad, telegraph, telephone, bridge or common carrier companies from consolidating their capital stock or pooling their earnings, and prescribing penalties therefor.

H. B. 8. An act to amend section 2364 of the General Statutes of Kentucky, relating to the redemption of real estate sold under decree of court.

H. B. 191. An act to legalize elections in certain graded common school districts in this Commonwealth.



H. B. 212. An act entitled, "An act to make gold and silver coin of the United States legal tender in the payment of all debts, and to prohibit the making of any contract for the payment of money in any other currency than the general legal tender of the United States."

H. B. 205. An act to amend an act entitled, "An act for the government of cities of the first class."

H. B. 231. An act concerning the qualifications of jurors in circuit courts of this Commonwealth.

H. B. 220. An act to prohibit the granting of license to sell by retail spirituous, vinous, malt liquors, and other intoxicating drinks in this State to merchants and druggists outside of incorporated cities and towns.

H. B. 63. An act to amend an act entitled, "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886.

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

H. B. 219. An act to amend chapter 210, article 1, section 7, of acts of 1891-2-3, entitled "Juries."

H. B. 94. An act to repeal section 1794 of Kentucky Statutes, and substitute section 1780, Kentucky Statutes.

H. B. 218. An act to provide for an appeal in actions of habeas corpus.

H. B. 121. An act to amend section 145 of the Constitution of Kentucky.

H. Res. 10. A resolution fixing and declaring the first Monday of September of each year a legal holiday in the Commonwealth of Kentucky.

Said bills and resolution were severally read the second time and placed in the orders of the day.

And then the House adjourned.

## THURSDAY, FEBRUARY 3, 1898.

The House opened with prayer by Rev. B. A. Adams of the Baptist church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Mr. North was given unanimous consent to withdraw:

H. B. 154. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to the classes to which they belong," approved September 30, 1892.

Mr. Charlton was given unanimous consent to withdraw:

H. B. 214. An act to amend section 14 of an act entitled, "An act to provide how the printing, binding and stationery used by the State shall be furnished."

Mr. Hickman, from the Committee on Circuit Courts, to which the same had been referred, reported:

H. B. 228. An act to amend an act approved June 10, 1893, entitled, "An act relating to courts of Justice."

With a substitute proposed therefor by the Committee.

Said bill was read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Mocquot, from the Committee on Codes of Practice, to which the same had been recommitted, reported:

H. B. 185. An act to amend section 580 of the Civil Code of Practice concerning evidence and the manner of taking depositions, and the re-enactment of said section as amended.

Mr. Shepherd withdrew an amendment heretofore proposed to said bill.

Mr. Mocquot moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows,  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 580 of the Civil Code of Practice, be amended by adding thereto the following:

"The questions and statements of the witness may be written in the presence of the witness, in shorthand, by the officer taking the deposition, who shall therefrom transcribe the same in longhand, before filing the said deposition, but the deposition shall, after being transcribed in longhand by the officer, be read over by the witness and subscribed by him in the presence of the officer, unless the subsequent reading of the longhand and signature be dispensed with by the written consent of the parties or their attorneys, to be filed with depositions.

"Subsection 1. Depositions taken out of the State of Kentucky to be used in this State may be taken in the same manner and under the same conditions as if taken within the State.

"Subsection 2. The guardian of an infant, the committee of a person of unsound mind, or the attorney for such guardian or committee, and the guardian ad litem of a person under disability and the warning order of attorney shall have the power to consent to the waiver of the reading of the longhand to, and subscription of depositions by the witness."

Said section as amended shall read as follows:

"Section 580. The statement of the witness shall be written by him in the presence of the officer taking the depositions, or by the officer in presence of the witness; the questions and statements of the witness may be written in the presence of the witness in shorthand, by the officer taking the deposition, who shall therefrom transcribe the same in longhand before filing the said deposition, but the deposition shall, after being transcribed

in longhand by the officer, be read over by the witness and subscribed by him in the presence of the officer, unless the subsequent reading of the longhand and signature be dispensed with by the written consent of the parties or their attorneys, to be filed with the depositions.

"Subsection 1. Depositions taken outside of the State of Kentucky to be used in this State may be taken in the same manner and under the same conditions as if taken within the State.

"Subsection 2. The guardian of an infant, the committee of a person of unsound mind, or the attorney for such guardian or committee, and the guardian ad litem of a person under disability, and the warning order of attorney shall have the power to consent to the waiver of the reading of the longhand to, and subscription of depositions taken by the witness."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	James M. Hall,	Chas. F. Ogden,
George H. Bishop,	J. P. Haswell, Jr.,	Michael O'Sullivan,
A. Bertram,	W. B. Henderson,	L. J. Owen,
A. H. Charlton,	J. H. Lackey,	S. Atwood Smith,
John Collins,	Joseph F. Laufer,	F. G. Shepherd,
J. S. Hood,	J. R. Mallory,	W. T. Sharp,
W. C. G. Hobbs,	W. H. McKee,	David Woods—21.

Those who voted in the negative were:

Bruce Adkins,	J. D. Mocquot,	G. Weissinger Smith,
B. W. Bradburn,	Reuben Morris,	J. A. Small,
W. H. Cole,	J. R. Mount,	O. P. Searcy,
Reuben Conner,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	R. C. Myers,	Waller Sharp,
J. E. Cahill,	Noah Marsee,	G. B. Stout,
A. S. Denton,	John M. Moore,	Ham. Shehan,

J. B. Depp,	J. H. Minor,	B. F. Saunders,
M. T. Freeman,	W. A. Morris,	A. J. Thompson,
W. C. Holland,	J. Mc. Meloan,	Frank M. Tracy,
C. W. Haverly,	Chas. Aaron Nelson,	South Trimble,
J. A. Humphreys,	E. Petty,	George Traver,
G. W. Hickman,	W. C. Pike,	H. S. Vanzant,
J. A. Ingram,	A. B. Pieratt,	L. E. Weatherford,
J. P. Jeffries,	L. C. Rawlings,	C. A. Wilson,
R. C. Jarnagin,	R. E. Richardson,	R. E. Watkins,
D. D. Lykins,	E. H. Read,	R. C. Walker,
J. M. Lee,	J. S. Robey,	J. D. Wills—53.

So said bill was rejected.

Mr. Hobbs entered a motion to reconsider the vote by which said bill was rejected.

Mr. Mocquot, from the Committee on Codes of Practice, to which the same had been recommitted, reported:

H. B. 184. an act to regulate the cost of taking depositions in shorthand.

Mr. Hobbs moved to postpone the further consideration of said bill until Thursday, February 10, at 11 o'clock, and that the same be made a special order for that hour.

Said motion was adopted.

Mr. Mallory, from the Committee on Criminal Law, to which the same had been recommitted, reported:

H. B. 35. An act to amend and re-enact section 1155, of the Kentucky Statutes as to the protection of young girls.

Mr. Traver moved an amendment to said bill.

Said amendment was adopted.

Mr. Haswell moved an amendment to said bill.

Said amendment was adopted.

Mr. Stout moved an amendment to said bill.

Said amendment was adopted.

Mr. J. M. Hall moved an amendment to said bill.

Said amendment was adopted.

M. Walker moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be engrossed.

Said bill was engrossed, read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the section of the act mentioned in the title of this act, be, and the same is hereby, amended and re-enacted so as to read as follows:

"Sec. 28. Whoever, over the age of sixteen years shall unlawfully carnally know a female under the age of fourteen, or an idiot, shall be confined in the penitentiary not less than one nor more than five years."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	V. Perkins,
Bruce Adkins,	J. P. Jeffries,	A. B. Pieratt,
B. W. Bradburn,	R. C. Jarnagin,	L. C. Rawlings,
George H. Bishop,	J. H. Lackey,	R. E. Richardson,
A. Bertram,	D. D. Lykins,	E. H. Read,
W. H. Cole,	Joseph F. Laufer,	J. S. Robey,
Reuben Conner,	J. M. Lee,	S. Atwood Smith,
A. H. Charlton,	J. R. Mallory,	G. Weissinger Smith,
T. W. Clark,	Reuben Morris,	J. A. Small,
J. E. Cahill,	J. J. Marquette,	W. T. Sharp,
J. Morgan Chinn,	W. J. Mears,	O. P. Searcy,
John Collins,	R. C. Myers,	Miles Spurlock,
A. S. Denton,	Noah Marsee,	G. B. Stout,
J. B. Depp,	W. H. McKee,	Ham. Shehan,

M. T. Freeman,	F. May,	A. J. Thompson,
W. W. Gill,	J. H. Minor,	Frank M. Tracy,
W. C. Holland,	W. A. Morris,	South Trimble,
C. W. Haverly,	J. Mc. Meloan,	George Traver,
J. S. Hood,	M. F. North,	L. E. Weatherford,
J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
James M. Hall,	Chas. F. Ogden,	R. E. Watkins,
J. P. Haswell, Jr.,	Michael O'Sullivan,	R. C. Walker,
W. B. Henderson,	L. J. Owen,	David Woods—71.
G. W. Hickman,	E. Petty,	

Those who voted in the negative were:

W. C. G. Hobbs,	Emmett Orr,	B. F. Saunders,
J. R. Mount,	F. G. Shepherd,	H. S. Vanzant—7.
John M. Moore,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Traver moved to reconsider the vote by which said bill was passed, and moved to lay that motion on the table.

Said motion was adopted.

The committees to which the same had been referred reported bills as follows, viz:

By Mr. Richardson, from the Committee on Internal Improvements:

H. B. 174. An act to amend an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896.

By Mr. Humphreys, from the Committee on County and City Courts:

● H. B. 250. An act to empower county judges to post public roads.

By same:

H. B. 275. An act in relation to circuit court judges.

By Mr. Mallory, from the Committee on Criminal Law:

H. B. 188. An act to amend subdivision 8 of article 3, of "An act relating to crimes and punishments," approved April 10, 1893.

By same:

H. B. 136. An act to prohibit the sale, barter or loan of any intoxicating beverage, liquid mixture or decoction, in the local option districts of this State, and providing a penalty therefor.

By same:

H. B. 267. An act to fix a penalty for selling less than seventy-six pounds of coal for a bushel.

By Mr. Mears, from the Committee on Agricultural and Mechanical College:

H. B. 183. An act to establish a medical school in connection with the Agricultural and Mechanical College of Kentucky.

By Mr. Mount, from the Committee on Immigration and Labor:

H. B. 201. An act for the protection of laboring men.

By same:

H. B. 159. An act creating a bureau of labor, defining its duties and appropriating money for its maintenance.

With substitute proposed therefor by the committee.

By Mr. Walker, from the Committee on Suffrage and Elections:

H. B. 200. An act to amend section 1469 of the Kentucky Statutes and regulating the time within which elections may be held.

By Mr. Hickman, from the Committee on Circuit Courts:

S. B. 53. An act to amend section 17, article 2, chapter 221, session acts 1891-2-3, approved June 10, 1893, entitled, "An act relating to courts of justice."

With the expression of opinion that said bills should pass.



Said bills were severally read the first time at length.

Ordered that said bills be printed and read the second time on some other day.

The committees to which the same had been referred, reported bills as follows, viz:

By Mr. Mallory, from the Committee on Criminal Law:

H. B. 256. An act for the protection of poultry and game-birds of this Commonwealth.

By Mr. Mallory:

H. B. 235. An act to prevent, or prohibit, live stock from running at large upon the public highways of this Commonwealth.

By Mr. Walker, from the committee on Suffrage and Elections:

H. B. 242. An act to amend section 1448 of article 3, of chapter 41 of the Kentucky Statutes, approved June 30, 1892.

By Mr. Mallory, from the Committee on Criminal Law:

H. B. 251. An act to amend an act entitled, "Deadly weapons," approved February 24, 1890.

By Mr. Hickman, from the Committee on Circuit Courts:

H. B. 268. An act for the benefit of the circuit court clerks of this State.

With the expression of opinion that said bills should not pass.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

A message was received from the Senate announcing that they had passed bills which originated in that body, as follows, viz:

1. S. B. 28. An act to amend an act entitled, "An act to regu-

late and insure the assessment of property for taxation and the payment of taxes thereon belonging to non-residents of counties in which the same is situated," approved March 19, 1894.

2. S. B. 67. An act to create a Board of Penitentiary Commissioners and regulate the penal institutions of this Commonwealth.

Ordered that said bills be referred: The first to the Committee on Revenue and Taxation, and the second to the Committee on State Prisons and House of Reform.

The House took from the orders of the day:

H. B. 1. An act regulating fire insurance companies and their agents to do business in this State, and providing penalties for the violation of the provisions of this act.

The question being taken on the adoption of the substitute proposed therefor by the Committee, it was decided in the affirmative.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Insurance Commissioner shall not issue any license or authority to write policies, or solicit, obtain, or transact fire insurance business as agent of any fire insurance company to any person or persons, unless they be bona fide residents of this State, and whose principal place of business is in the State at the time thereof; and said license shall become void whenever such agent removes his residence or principal place of business from the State of Kentucky.

Sec. 2. That it shall be unlawful for any fire insurance company authorized to transact business in this State, to write, piece, or cause to be written or placed, any policy or policies or contract of fire insurance upon any property situated or located in this State, in or through any such legally author-

ized company or agent or person, at any place outside the State of Kentucky; and it shall be unlawful for any such authorized fire insurance company to write, place, or cause to be written or placed any policy or policies, contract of insurance, or re-insurance, on property located in this State for any fire insurance company or association not legally authoized to transact business in this State; Provided, That nothing in this act shall be construed to prevent an authorized company from issuing, at its principal or department office, policies covering property in Kentucky; Provided, Such policy or policies are issued only upon applications procured and submitted to such company by bona fide resident agents of such company in this State regularly commissioned by the company and licensed by the Insurance Commissioner of the State of Kentucky; and, Provided, Further, that all premiums received by any company from such sources are reported to the insurance department of this State and regularly listed for taxation in this State.

Sec. 3. That the penalty for violating any of the provisions of this act shall be a fine of five hundred dollars for each and every offense payable within thirty days after demand to the Insurance Commissioner, or revocation of the company's license, or both, within the discretion of the commissioner.

Sec. 4. This act shall not be construed to prevent any resident of this State, or any person owning property in this State, from insuring his property elsewhere than in the State of Kentucky.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. R. Mallory,	R. E. Richardson,
Bruce Adkins,	J. D. Mocquot,	E. H. Read,
B. W. Bradburn,	J. R. Mount,	J. S. Robey,
George H. Bishop,	J. J. Marquette,	S. Atwood Smith,
A. Bertram,	W. J. Mears,	G. Weissinger Smith,

Reuben Conner,	R. C. Myers,	F. G. Shepherd,
A. H. Charlton,	Noah Marsee,	J. A. Small,
T. W. Clark,	John M. Moore,	W. T. Sharp,
J. E. Cahill,	W. H. McKee,	O. P. Searcy,
J. Morgan Chinn,	J. H. Minor,	Miles Spurlock,
A. S. Denton,	W. A. Morris,	Waller Sharp,
Claude Desha,	J. Mc. Meloan,	G. B. Stout,
J. B. Depp,	M. F. North,	Ham. Shehan,
W. W. Gill,	Chas. Aaron Nelson,	B. F. Saunders,
W. C. Holland,	Chas. F. Ogden,	A. J. Thompson,
J. A. Humphreys,	Michael O'Sullivan,	Frank M. Tracy,
W. C. G. Hobbs,	L. J. Owen,	South Trimble,
J. P. Haswell, Jr.,	Harry C. Pulliam,	George Traver,
W. B. Henderson,	E. Petty,	L. E. Weatherford,
G. W. Hickman,	W. C. Pike,	C. A. Wilson,
J. A. Ingram,	V. Perkins,	R. E. Watkins,
D. D. Lykins,	A. B. Pieratt,	R. C. Walker,
Joseph F. Laufer,	L. C. Rawlings,	J. D. Wills—70.
J. M. Lee,		

Those who voted in the negative were:

J. S. Hood,	R. C. Jarnagin,	F. May,
J. P. Jeffries,	Reuben Morris,	H. S. Vanzant—6.

Resolved that said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 121. An act to amend section 140 of the Constitution of Kentucky.

Mr. Tracy moved to postpone the further consideration of said bill until Friday, February 11, at 11 o'clock, and that the same be made a special order for that hour.

Said motion was adopted.

The House took from the orders of the day:

H. B. 218. An act to provide for an appeal in actions of habeas corpus.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in actions of habeas corpus, an appeal may be taken to the Court of Appeals, or to a judge thereof, from the judgment of the judge or justice denying the writ.

Sec. 2. Appeals under this act shall be taken in the same manner as in criminal actions, and shall be perfected within ten days from the rendition of judgment in the action, and shall be heard by the Court of Appeals, or a judge thereof, without delay.

Sec. 3. Pending an appeal taken under this act, the judge or justice rendering the judgment denying the writ, shall if the offense charged be a bailable one, admit the accused to bail.

The yeas and nays being required thereon by a provision of Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Jeffries,	V. Perkins,
B. W. Bradburn,	D. D. Lykins,	A. B. Pieratt,
George H. Bishop,	Joseph F. Laufer,	L. C. Rawlings,
A. Bertram,	J. M. Lee,	E. H. Read,
W. H. Cole,	J. R. Mallory,	J. S. Robey,
Reuben Conner,	J. D. Mocquot,	G. Weissinger Smith,
A. H. Charlton,	Reuben Morris,	F. G. Shepherd,
J. E. Cahill,	J. R. Mount,	J. A. Small,
J. Morgan Chinn,	J. J. Marquette,	W. T. Sharp,
A. S. Denton,	R. C. Myers,	O. P. Searcy,
Claude Desha,	Noah Marsee,	Miles Spurlock,
J. B. Depp,	W. H. McKee,	Waller Sharp,
W. W. Gill,	J. H. Minor,	G. B. Stout,
W. C. Holland,	W. A. Morris,	Ham. Shehan,

C. W. Haverly,	M. F. North,	B. F. Saunders,
J. S. Hood,	Chas. Aaron Nelson,	A. J. Thompson,
J. A. Humphreys,	Emmett Orr,	Frank M. Tracy,
W. C. G. Hobbs,	Chas. F. Ogden,	South Trimble,
James M. Hall,	Michael O'Sullivan,	George Traver,
J. P. Haswell, Jr.,	L. J. Owen,	L. E. Weatherford,
W. B. Henderson,	Harry C. Pulliam,	C. A. Wilson,
G. W. Hickman,	E. Petty,	R. E. Watkins,
J. A. Ingram,	W. C. Pike,	David Woods—69.

Those who voted in the negative were :

John M. Moore,      R. E. Richardson—2.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day :

H. B. 94. An act to repeal section 1794 of Kentucky Statutes, and substitute section 1780, Kentucky Statutes.

The question being taken on the adoption of a substitute proposed by the committee therefor, it was decided in the affirmative.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That section 7 of chapter 152, of session acts of 1891-92 and '93, and being section 1795 of the Kentucky Statutes, be, and the same is hereby repealed, and the following substituted: "All laws and parts of laws governing the construction of farm fences are hereby held to apply to railroad fences, in all cases whereby the provisions of this act, railroad corporations are required to fence their right of way."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Joseph F. Laufer,	A. B. Pieratt,
B. W. Bradburn,	J. M. Lee,	L. C. Rawlings,
Geo. H Bishop,	J. R. Mallory,	R. E. Richardson,
A. Bertram,	J. D. Mocquot,	E. H. Read,
W. H. Cole,	Reuben Morris,	J. S. Robey,
Reuben Conner,	J. R. Mount,	S. Atwood Smith,
A. H. Charlton,	J. J. Marquette,	G. Weissenger Smith,
T. W. Clark,	W. J. Mears,	F. G. Shepherd,
J. E. Cahill,	R. C. Myers,	J. A. Small,
J. Morgan Chinn,	Noah Marsee,	W. T. Sharp,
A. S. Denton,	John M. Moore.	O. P. Searcy,
Claude Desha,	W. H. McKee,	Miles Spurlock,
J. B. Depp,	F. May,	G. B. Stout,
M. T. Freeman,	J. H. Minor,	Ham. Shehan,
W. C. Holland,	W. A. Morris,	B. F. Saunders,
C. W. Haverly,	J. Mc. Meloan,	A. J. Thompson,
J. A. Humphreys,	M. F. North,	Frank M. Tracy,
W. C. G. Hobbs,	Chas. Aaron Nelson,	South Trimble,
J. P. Haswell, Jr.,	Chas. F. Ogden,	George Traver,
W. B. Henderson,	Michael O'Sullivan,	H. S. Vanzant,
G. W. Hickman,	L. J. Owen,	L. E. Weatherford,
J. A. Ingram,	Harry C. Pulliam,	C. A. Wilson,
J. P. Jeffries,	E. Petty,	R. E. Watkins,
R. C. Jarnagin,	W. C. Pike,	R. C. Walker,
J. H. Lackey,	V. Perkins,	J. D. Wills—76.
D. D. Lykins,		

Those who voted in the negative were: none.

Resolved, That sad bill do pass and that the title thereof be as follows:

An act to repeal section 7, chapter 152, session acts 1891-92-93, relating to railroad fences.

The House took from the orders of the day:

H. B. 229. An act to amend chapter 210, article 1, section 7 of acts of 1891-2-3 entitled, "Juries."

Mr. Pulliam moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows.  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 210, article 1, section 7, of session acts 1891-2-3, entitled, "Juries," be and the same is hereby amended so as to read as follows, to-wit:

"The judge shall at any time during a term of court, when it is necessary after the regular panel is for any reason exhausted, direct that the sheriff supply from the bystanders a fit person, or persons, to act as a grand or petit juror, or jurors, as the case may be; and the court shall, after the regular grand jury has been discharged, during any term of court, when it is necessary, impanel a grand jury by drawing from the drum or wheel. All vacancies occurring in the grand jury shall be supplied by the sheriff, by the courts direction, from the bystanders. And the court, after the petit juries for the term has been selected and impaneled, shall in any action, proceeding or prosecution, after said panel has been exhausted, direct the sheriff to supply from the bystanders the place of one or more who may be thereafter excused by the court for good cause, or removed by the challenge of either party; Provided, That should the court discharge during the term the whole of any panel, then their place shall be supplied by the judge drawing from the drum or wheel, the clerk making a list of the names so drawn and the sheriff summoning same."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:



Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	L. J. Owen,
B. W. Bradburn,	J. M. Lee,	A. B. Pieratt,
George H. Bishop,	J. R. Mallory,	L. C. Rawlings,
A. Bertram,	J. D. Mocquot,	E. H. Read,
W. H. Cole,	J. R. Mount,	J. S. Robey,
Reuben Conner,	J. J. Marquette,	J. A. Small,
A. H. Charlton,	W. J. Mears,	O. P. Searcy,
J. E. Cahill,	John M. Moore,	Waller Sharp,
J. Morgan Chinn,	W. H. McKee,	L. E. Weatherford,
Claude Desha,	J. Mc. Meloan,	C. A. Wilson,
J. B. Depp,	M. F. North,	R. E. Watkins,
W. C. Holland,	Michael O'Sullivan,	R. C. Walker—37,
W. C. G. Hobbs,		

Those who voted in the negative were:

Bruce Adkins,	D. D. Lykins,	R. E. Richardson,
T. W. Clark,	Joseph F. Laufer,	S. Atwood Smith,
A. S. Denton,	Reuben Morris,	F. G. Shepherd,
M. T. Freeman,	R. C. Myers,	Miles Spurlock,
C. W. Haverly,	Noah Marsee,	G. B. Stout,
J. S. Hood,	F. May,	Ham. Shehan,
J. A. Humphreys,	J. H. Minor,	B. F. Saunders,
James M. Hall,	Chas. Aaron Nelson,	A. J. Thompson,
J. P. Haswell, Jr.,	Emmett Orr,	Frank M. Tracy,
G. W. Hickman,	Chas. F. Ogden,	South Trimble,
J. A. Ingram,	Harry C. Pulliam,	George Traver,
J. P. Jeffries,	E. Petty,	H. S. Vanzant,
R. C. Jarnagin,	W. C. Pike,	David Woods—41.
J. H. Lackey,	V. Perkins,	

So said bill was rejected.

And then the House adjourned.

## FRIDAY, FEBRUARY 4, 1898.

The House was opened with prayer by Rev. M. B. Adams of the Baptist church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Indefinite leave of absence was granted Messrs. Williams and Cole.

Upon the call of counties for the introduction of bills and resolutions the following were introduced and referred as follows, viz:

By Mr. Conner:

H. B. 308. An act to amend an act entitled, "An act to protect the fish in the waters of this State."

Referred to the Committee on Criminal Law.

By Mr. Haswell:

H. B. 309. An act to amend the Constitution.

Referred to the Committee on Constitutional Amendments.

By Mr. Henderson:

H. B. 310. An act to amend section 75 of Kentucky Code.

Referred to the Committee on Codes.

By same:

H. B. 311. An act to amend chapter 24, section 32 of General Statutes of Kentucky, providing for advertising unrecorded deeds.

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 312. An act to amend an act entitled "An act entitled, 'Guardian and Ward.'"

Referred to the Committee on Kentucky Statutes.

By Mr. Meloan:

H. B. 313. An act prescribing the duties of road owners in this State, regarding the collection of drift around bridges and the removal of drift.

Referred to the Committee on Internal Improvements.

By Mr. Bertram:

H. B. 314. An act to amend chapter 182, article 4, subdivision 7, section 177, of acts of 1893, relating to crimes and punishments.

Referred to Committee on Criminal Law.

By same:

H. B. 315. An act to amend chapter 182, subdivision 9, section 67, of the session acts of 1893, relating to crimes and punishments.

Referred to the Committee on Criminal Law.

By Mr. J. A. Smith:

H. B. 316. An act regulating tolls or rent of telephones.

- Referred to the Committee on Propositions and Grievances.

By Mr. Hobbs:

H. B. 317. An act providing for the enlargement of the electric plant at the penitentiary at Frankfort, and making appropriations therefor.

Referred to the Committee on State Prisons.

By Mr. McChord:

H. B. 318. An act entitled, an act to regulate the sale of spirituous, vinous and malt liquors in this Commonwealth by druggists.

Referred to the Committee on Criminal Law.

By Mr. Chilton:

H. B. 319. An act in regard to purchasing Barbour's Digest for use of State officers.

Referred to the Committee on Kentucky Statutes.

By Mr. Clark:

H. B. 320. An act to change the assignment of the city of Madisonville, Hopkins county, from the fifth class to the fourth class, and to amend an act entitled, "An act to assign cities and towns of the Commonwealth to the classes to which they belong."

Referred to the Committee on Classification of Cities and Towns.

By Mr. Shepherd:

H. B. 321. An act to amend section 4250, of the Kentucky Statutes, relating to revenue and taxation.

Referred to the Committee on Revenue and Taxation.

By Mr. S. Atwood Smith:

H. B. 322. An act to amend an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the first class,' " approved July 1, 1893, which act was approved March 23, 1894.

Referred to the Committee on Education.

By Mr. Charlton:

H. Res. 15. A resolution for the benefit of Martin Norton, of Louisville, Ky.:

Whereas, Martin Norton, of the city of Louisville, Ky., on the twenty-second day of September, 1894, was convicted of manslaughter in the Jefferson Circuit Court, and was adjudged to pay to the Commonwealth of Kentucky a fine of \$1,000 and costs, and in addition thereto was sentenced to one year's imprisonment in the Jefferson county jail; and,

Whereas, He has paid said fine of \$1,000 and costs, and under a mistake of the law, on said twenty-second day of Sep-

tember, 1894, paid to the Commonwealth of Kentucky the sum of \$730, under the belief that it would pay said year's jail sentence, at the rate of \$2 per day, and notwithstanding such payment of said jail sentence, he was afterward confined in said jail by an order of said court and compelled to serve out said jail sentence of one year by being actually confined in jail for that period, after payment of said jail sentence; and,

Whereas, He has no remedy in the courts, because the Commonwealth of Kentucky can not be sued; therefore, be it

Resolved, By the General Assembly of the Commonwealth of Kentucky, that said money paid by said Martin Norton, under the mistaken belief that it was in lieu of said jail sentence, be refunded to him, and the Auditor is directed to draw his warrant in favor of said Martin Norton for said sum of \$730 against any money not otherwise appropriated, and the Treasurer is directed to pay the same.

Referred to the Committee on Judiciary.

By Mr. Mocquot:

H. B. 323. An act to amend and re-enact section 3909, Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Mocquot:

H. B. 324. An act to prevent the fraudulent purchase of goods and merchandise, and prescribing penalties therefor.

Referred to the Committee on Criminal Law.

By Mr. Cahill:

H. B. 325. An act to prevent the driving of diseased hogs, sheep, cattle, or other live stock along or upon any public highway or road in this Commonwealth, or from one county to another, and providing penalty therefor.

Referred to the Committee on Public Health.

By Mr. Pieratt:

H. B. 326. An act for the benefit of ex-sheriffs of this Commonwealth.

Referred to the Committee on Claims.

By Mr. Pieratt:

H. B. 327. An act to repeal chapter 1662, of the acts of the General Assembly of the Commonwealth of Kentucky, session acts 1889-90, which became a law May 20, 1890, without the approval of the Governor, and which is entitled, "An act to prohibit the sale of spirituous, vinous, malt, or intoxicating liquors, or the mixture of either in the county of Morgan, and to prescribe a penalty therefor."

Referred to the Committee on Criminal Law.

By Mr. O'Sullivan:

H. B. 328. An act to require grantors of real estate to refer in all conveyances to deed and person or corporation from whom title was acquired.

Referred to the Committee on Kentucky Statutes.

By Mr. Cooke:

H. B. 329. An act to amend an act entitled, "An act to protect citizens of this Commonwealth from impiricism," approved April 10, 1893.

Referred to the Committee on Judiciary.

By Mr. Stout:

H. B. 330. An act to amend section 1, of an act entitled, "An act to prevent the establishment of pools, trusts, and conspiracies, and to provide punishment therefor," approved May 20, 1890.

Referred to the Committee on Corporate Institutions.

By Mr. Lackey:

H. B. 331. An act to regulate the transmission of telephone messages and for other purposes.

Referred to the Committee on Corporate Institutions.

By Mr. Orr :

H. B. 332. An act to amend section 15, article 3, chapter 65, of an act entitled, "An act to regulate election laws of Kentucky," of session acts 1891-92-93.

Referred to the Committee on Suffrage and Elections.

Mr. Hobbs presented petition of sundry citizens of Louisville protesting the passage of the bill known as the "McChord," which was received, its reading dispensed with and referred to the Committee on Railroads and Commerce.

Mr. Hickman, from the Committee on Judiciary, to which the same had been recommitted, reported:

H. B. 11. An act to abolish the office of Register of the Land Office and consolidate with the office of Auditor of Public Accounts.

With a substitute proposed therefor by the committee.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the office of Register of the Land Office of the State of Kentucky is hereby abolished and consolidated with the office of Auditor of Public Accounts, to take effect at the end of the present term.

Sec. 2. That said office, together with all books, records and fixtures belonging thereto, shall, at the end of the present term, be turned over to the Auditor of Public Accounts, who shall take charge of the said office and perform all the duties pertaining thereto that is now by law required to be performed by the Register of the Land Office.

Sec. 3. That for the purpose of more effectually carrying out the provisions of this act power is hereby specially given to,

and conferred upon, the Auditor of Public Accounts, to do and perform all acts and duties now by law required to be done and performed by the Register of the Land Office, for which he shall have the right to charge the same fees, and shall be governed by the same laws in relation thereto as the Register of the Land Office.

Sec. 4. That the Auditor of Public Accounts, upon taking charge of said office, shall have the right to employ an additional clerk at an annual salary not to exceed twelve hundred dollars per annum, payable out of the State treasury.

The yeas and nays being required thereon, by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	V. Perkins,
Bruce Adkins,	D. D. Lykins,	A. B. Pieratt,
B. W. Bradburn,	Joseph F. Laufer,	L. C. Rawlings,
A. Bertram,	John M. Letterle,	W. H. Ragland,
Reuben Conner,	J. M. Lee,	R. E. Richardson,
A. H. Charlton,	J. R. Mallory,	E. H. Read,
T. W. Clark,	J. D. Mocquot,	J. S. Robey,
W. T. Chilton,	Reuben Morris,	S. Atwood Smith,
W. H. Cooke,	J. R. Mount,	G. Weissinger Smith,
J. C. Cantrill,	J. J. Marquette,	F. G. Shepherd,
J. E. Cahill,	W. J. Mears,	J. A. Small,
J. Morgan Chinn,	R. C. Myers,	O. P. Searcy,
A. S. Denton,	Noah Marsee,	Miles Spurlock,
J. B. Depp,	John M. Moore,	G. B. Stout,
M. T. Freeman,	W. H. McKee,	Ham. Shehan,
W. W. Gill,	J. H. Minor,	B. F. Saunders,
W. C. Holland,	J. Mc. Meloan,	A. J. Thompson,
J. S. Hood,	M. F. North,	Frank M. Tracy,
J. A. Humphreys,	Chas. Aaron Nelson,	George Traver,
W. C. G. Hobbs,	Emmett Orr,	H. S. Vanzant,
John T. Hinton,	Chas. F. Ogden,	L. E. Weatherford,



J. P. Haswell, Jr.,	Michael O'Sullivan,	C. A. Wilson,
W. B. Henderson,	L. J. Owen,	R. E. Watkins,
G. W. Hickman,	Harry C. Pulliam,	R. C. Walker,
J. A. Ingram,	E. Petty,	David Woods,
J. P. Jeffries,	W. C. Pike,	J. D. Wills—78.

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hickman, from the Committee on Judiciary, to whom the same had been referred reported bills of the following titles:

H. B. 219. An act abolishing the offices of ordnance sergeant and janitor of the Court of Appeals, providing for a custodian of public buildings, for the Capitol, its wings, the State arsenal, and the Governor's mansion, and grounds thereof, defining his duties and fixing his salary.

H. B. 304. An act to provide for maintaining circuit courts and their offices, and furnishing services and assistance to courts by cities of the second class in this Commonwealth wherein sit circuit courts of continuous session.

H. B. 305. An act to provide for the appointment of official stenographic reporters in counties constituting a separate judicial district having a city of the second class.

H. B. 117. An act to regulate the sale and manufacture of drugs, food and drink, and beverages in this State.

Said bills were severally read the first time, in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

The House took from the orders of the day:

H. B. 220. An act to prohibit the granting of license to sell by retail spirituous, vinous, malt liquors and other intoxicating drinks in this State to merchants and druggists outside of incorporated cities and towns.

Mr. Pieratt moved to postpone the further consideration of

said bill until Wednesday, February 9, 1898, at 11 o'clock, and that the same be made a special order for that hour.

Said motion was adopted:

The House took from the orders of the day:

H. B. 23. An act concerning the qualification of jurors in circuit courts of this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That no persan shall be held competent or qualified to act as a juror at any term of a circuit court of this Commonwealth, who is a party to any civil cause or prosecution in the name of the Commonwealth, then pending in such court and triable by jury at such term.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	D. D. Lykins,	W. H. Ragland,
Bruce Adkins,	John M. Letterle,	R. E. Richardson,
T. H. Armstrong,	J. R. Mallory,	J. S. Robey,
B. W. Bradburn,	J. D. Mocquot,	S. Atwood Smith,
A. Bertram,	Reuben Morris,	G. Weissenger Smith,
Reuben Conner,	J. R. Mount,	F. G. Shepherd,
A. H. Charlton,	J. J. Marquette,	J. A. Small,
T. W. Clark,	R. C. Myers,	Waller Sharp,
W. T. Chilton,	W. H. McKee,	G. B. Stout,
J. E. Cahill,	F. May,	B. F. Saunders,
A. S. Denton,	J. H. Minor,	A. J. Thompson,
W. W. Gill,	M. F. North,	Frank M. Tracy,
J. S. Hood,	Chas. Aaron Nelson,	South Trimble,
J. A. Humphreys,	Emmett Orr,	George Traver,

W. C. G. Hobbs,	Chas. F. Ogden,	H. S. Vanzant,
John T. Hinton,	Michael O'Sullivan,	C. A. Wilson,
W. B. Henderson,	E. Petty,	R. E. Watkins,
G. W. Hickman,	W. C. Pike,	David Woods,
J. A. Ingram,	V. Perkins,	J. D. Wills—59.
R. C. Jarnagin,	L. C. Rawlings,	

Those who voted in the negative were:

W. H. Cooke,	J. M. Lee,	E. H. Read,
J. B. Depp,	W. J. Mears,	O. P. Searcy,
W. C. Holland,	Noah Marsee,	Miles Spurlock,
J. P. Jeffries,	John M. Moore.	Ham. Shehan,
J. H. Lackey,	A. B. Pieratt,	L. E. Weatherford-16
Joseph F. Laufer,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 212. An act entitled an act to make gold and silver coin of the United States legal tender in the payment of all debts, and to prohibit the making of any contract for the payment of money in any other currency than the general legal tender of the United States.

Mr. S. A. Smith moved to postpone the further consideration of said bill until Tuesday, February 8, at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was adopted.

The House took from the orders of the day:

H. B. 191. An act to legalize elections in certain graded common school districts in this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That, whereas, it appears that elections held in certain school districts in this Commonwealth to establish graded schools, as provided in chapter 113, article 10, section 4464, Kentucky Statutes, were not properly ordered, as to time intervening between the filing of the petition praying for said elections and the ordering of the elections; and,

Whereas, Said graded common schools were organized and money collected by taxation and expended in building public school houses and in operating graded common schools; and,

Whereas, Said elections were otherwise held according to law, therefore said elections are hereby legalized, and the official acts and proceedings of the board of trustees of said graded common school districts shall be as valid in all respects and for all purposes as if said elections had been held according to the provisions of the law.

Sec. 2. It appearing that uncertainty and confusion exist in said graded common school districts, and that the collection of taxes for the settlement of deferred payments on school houses erected therein is delayed because of the alleged irregularity in the calling of said elections, therefore it is declared that an emergency exists, and that this act shall be in force from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	R. C. Jarnagin,	V. Perkins,
Bruce Adkins,	J. H. Lackey,	A. B. Pieratt,
B. W. Bradburn,	Joseph F. Laufer,	L. C. Rawlings,
A. Bertram,	John M. Letterle,	W. H. Ragland,
Reuben Conner,	J. M. Lee,	R. E. Richardson,
A. H. Charlton,	J. R. Mallory,	E. H. Read,
W. T. Chilton,	J. D. Mocquot,	J. S. Robey,
W. H. Cooke,	Reuben Morris,	S. Atwood Smith.

J. C. Cantrill,	J. R. Mount,	F. G. Shepherd,
J. E. Cahill,	J. J. Marquette,	J. A. Small,
J. Morgan Chinn,	W. J. Mears,	O. P. Searcy,
A. S. Denton,	R. C. Myers,	Miles Spurlock,
J. B. Depp,	Noah Marsee,	G. B. Stout,
W. W. Gill,	John M. Moore,	Ham. Shehan,
W. C. Holland,	W. H. McKee,	B. F. Saunders,
C. W. Haverly,	F. May,	A. J. Thompson,
J. S. Hood,	J. Mc. Meloan,	South Trimble,
J. A. Humphreys,	M. F. North,	George Traver,
W. C. G. Hobbs,	Chas. Aaron Nelson,	H. S. Vanzant,
James M. Hall,	Emmett Orr,	L. E. Weatherford,
J. P. Haswell, Jr.,	Chas. F. Ogden,	C. A. Wilson,
W. B. Henderson,	Michael O'Sullivan,	R. C. Walker,
G. W. Hickman,	L. J. Owen,	David Woods,
J. A. Ingram,	E. Petty,	J. D. Wills—74.
J. P. Jeffries,	W. C. Pike,	

Those who voted in the negative were:

D. D. Lykins—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 8. An act to amend section 2364 of the General Statutes of Kentucky relating to the redemption of real estate sold under decree of court.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2364, General Statutes of Kentucky, amended as follows, to-wit:

Section 1. Add after the word "counties" in the sixteenth line in section 2364, General Statutes of Kentucky, the follow-

ing words: "or that the purchaser does reside in one of said counties; that the defendant has sought to redeem the property but was unable to find such purchaser at his dwelling house or home and has failed to find him elsewhere, and shall make affidavit of such facts and file same with the clerk of the court that entered the judgment upon which the sale was made;" so that said section, when amended will read as follows:

"Sec. 2364. If the real estate which may be sold in pursuance of such judgment or order does not bring two-thirds of such valuation, the defendant and his representatives shall have the right to redeem the same within a year from the day of sale, by paying the purchaser or his representatives the original purchase money, and ten per cent. per annum interest thereon. The defendant redeeming his land shall take receipt from the purchaser, and lodge the same with the clerk of the court, and the same shall be entered upon the records of said court. The defendant may tender the redemption money to the purchaser, his agent or attorney, if he resides in the county where the land lies or in the county in which the judgment is obtained or order of sale made; and if the same is refused, or if the purchaser does not reside in either of said counties, the defendant may, before the expiration of the year, go to the clerk of the court in which the judgment is rendered or the order made and make affidavit of such tender and refusal, or that the purchaser, his agent or attorney, does not reside in either of said counties; or that the purchaser does reside in one of said counties; that the defendant has sought to redeem the property but was unable to find such purchaser at his dwelling house or home, and has failed to find him elsewhere, and shall make affidavit of such facts and file same with the clerk of the court that entered the judgment upon which the sale was made. Thereupon he may pay to such clerk the redemption money for the purchaser, and the clerk shall give a receipt therefor, and file said affidavit among the papers of the cause. And said clerk shall be responsible to said purchaser on his official bond. When the right of redemption exists, the defendant may remain

in possession of the property until it expires. Real estate so sold shall not be conveyed to the purchaser until the right to redeem the same has expired; and if the same be redeemed in accordance with the provisions of this article, such sale thereof shall, from and after such redemption, or from and after such deposit of the redemption money with the clerk, be null and void."

Sec. 2. That all laws conflicting with the above named section, as amended, be, and same are hereby repealed.

Sec. 3. Whereas, Parties have found it troublesome to redeem land sold under order of court, by reason of defects in the law, remedied by this act, the importance of relieving defendants in such cases being apparent, an emergency is declared to exist, and this act shall take effect from and after the time when the same is approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	W. C. Pike,
Bruce Adkins,	J. P. Jeffries,	V. Perkins,
T. H. Armstrong,	R. C. Jarnagin,	A. B. Pieratt,
B. W. Bradburn,	J. H. Lackey,	L. C. Rawlings,
A. Bertram,	D. D. Lykins,	W. H. Ragland,
Reuben Conner,	Joseph F. Laufer,	R. E. Richardson,
A. H. Charlton,	John M. Letterle,	E. H. Read,
T. W. Clark,	J. M. Lee,	J. S. Robey,
W. T. Chilton,	J. R. Mallory,	S. Atwood Smith,
W. H. Cooke,	J. D. Mocquot,	G. Weissinger Smith,
J. C. Cantrill,	Reuben Morris,	F. G. Shepherd,
J. E. Cahill,	J. R. Mount,	J. A. Small,
J. Morgan Chinn,	J. J. Marquette,	O. P. Searcy,
A. S. Denton,	W. J. Mears,	Miles Spurlock,
J. B. Depp,	Noah Marsee,	G. B. Stout,
M. T. Freeman,	J. M. Moore,	Ham. Shehan,

W. W. Gill,	W. H. McKee,	B. F. Saunders,
W. C. Holland,	F. May,	A. J. Thompson,
C. W. Haverly,	J. H. Minor,	South Trimble,
J. S. Hood,	J. Mc. Meloan,	George Traver,
J. A. Humphreys,	M. F. North,	H. S. Vanzant,
W. C. G. Hobbs,	Chas. Aaron Nelson,	L. E. Weatherford,
James M. Hall,	Emmett Orr,	C. A. Wilson,
John T. Hinton,	Chas. F. Ogden,	R. E. Watkins,
J. P. Haswell, Jr.,	Michael O'Sullivan,	R. C. Walker,
W. B. Henderson,	L. J. Owen,	David Woods,
G. W. Hickman,	E. Petty,	J. D. Wills—81.

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 140. An act to amend and re-enact section 1, article 2, chapter 31a, General Statutes, acts 1880-2, relating to drifts, logs and timber.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1, article 2, chapter 31a, General Statutes, acts 1880-82, be, and the same is hereby, amended, by adding after the words "Little Sandy rivers," in the third line, "Green river and all other navigable streams in Kentucky." Said section will read as follows: "That hereafter the taker-up of boats, fleets of timber, rafts, platforms and loose logs found afloat on the Ohio river, Kentucky river, Licking and Little Sandy rivers, Green river and all other navigable streams in Kentucky, shall be entitled to charge the following prices: For each fleet of timber, ten dollars; for each raft of not less than forty logs, four dollars; for each platform of not less than ten logs, one dollar; for each loose log, ten cents. The taker-up shall have



a lien upon the property taken up by him for his charges, and may after having advertised the time and place of sale at the door of the court house, and two other public places in the county where the property is, by written or printed notice, for sixty days, giving description of the property and any marks thereon, cause the same to be sold by a constable or other officer, for cash in hand, to pay said charges, and also a reasonable compensation, not exceeding two dollars per day, for caring for each fleet of timber; for each raft, fifty cents, and for each log, five cents per day, for the first three days he holds same, and two and one-half cents per day for each succeeding day thereafter; and the title of the property so sold shall absolutely vest in the purchaser at said sale."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. C. G. Hobbs,	Harry C. Pulliam,
Bruce Adkins,	John T. Hinton,	E. Petty,
T. H. Armstrong,	W. B. Henderson,	W. C. Pike,
B. W. Bradburn,	G. W. Hickman,	V. Perkins,
George H. Bishop,	J. H. Lackey,	L. C. Rawlings,
A. Bertram,	Joseph F. Laufer,	W. H. Ragland,
Reuben Conner,	John M. Letterle,	R. E. Richardson,
A. H. Charlton,	J. M. Lee,	J. S. Robey,
T. W. Clark,	J. R. Mallory,	S. Atwood Smith,
W. T. Chilton,	J. D. Mocquot,	J. A. Small,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. C. Cantrill,	J. J. Marquette,	G. B. Stout,
J. E. Cahill,	W. J. Mears,	Ham. Shehan,
J. Morgan Chinn,	John M. Moore,	B. F. Saunders,
A. S. Denton,	W. H. McKee,	A. J. Thompson,
W. W. Gill,	J. Mc. Meloan,	South Trimble,
W. C. Holland,	M. F. North,	L. E. Weatherford,
J. S. Hood,	Chas. Aaron Nelson,	C. A. Wilson,
J. A. Humphreys,	Michael O'Sullivan,	R. E. Watkins—57.

Those who voted in the negative were:

M. T. Freeman,	Reuben Morris,	A. B. Pieratt,
C. W. Haverly,	R. C. Myers,	E. H. Read,
James M. Hall,	Noah Marsee,	F. G. Shepherd,
J. P. Haswell, Jr.,	F. May,	Miles Spurlock,
J. A. Ingram,	J. H. Minor,	H. S. Vanzant,
J. P. Jeffries,	Chas. F. Ogden,	R. C. Walker,
R. C. Jarnagin,	L. J. Owen,	David Woods—22.
D. D. Lykins,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 142. An act requiring the appointment of at least one woman physician in certain institutions in this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there shall be at least one woman physician appointed as one of the physicians in each of the asylums for the insane in this Commonwealth; Provided, That there are women patients in each of said asylums. Said woman physician shall receive the same salary and have the same rights in such institutions as male physicians of like rank, and said woman physician shall be assigned for duty upon the ward or wards for women.

Nothing herein is to be construed to require an appointment of a woman assistant physician until a vacancy occurs, or until the expiration of the term of appointment of the present assistant physicians in such institutions.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Jeffries,	A. B. Pieratt,
T. H. Armstrong,	R. C. Jarnagin,	L. C. Rawlings,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,
George H. Bishop,	D. D. Lykins,	R. E. Richardson,
A. Bertram,	John M. Letterle,	E. H. Read,
Reuben Conner,	J. M. Lee,	J. S. Robey,
A. H. Charlton,	J. R. Mallory,	S. Atwood Smith,
T. W. Clark,	J. D. Mocquot,	G. Weissinger Smith,
W. T. Chilton,	Reuben Morris,	J. A. Small,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. C. Cantrill,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	R. C. Myers,	G. B. Stout,
J. Morgan Chinn,	Noah Marsee,	Ham. Shehan,
J. B. Depp,	John M. Moore,	B. F. Saunders,
M. T. Freeman,	W. H. McKee,	A. J. Thompson,
W. W. Gill,	J. H. Minor,	Frank M. Tracy,
W. C. Holland,	J. Mc. Meloan,	South Trimble,
C. W. Haverly,	M. F. North,	George Traver,
J. A. Humphreys,	Chas. Aaron Nelson,	H. S. Vanzant,
W. C. G. Hobbs,	Chas. F. Ogden,	L. E. Weatherford,
James M. Hall,	Michael O'Sullivan,	C. A. Wilson,
John T. Hinton,	L. J. Owen,	R. E. Watkins,
J. P. Haswell, Jr.,	Harry C. Pulliam,	R. C. Walker,
W. B. Henderson,	E. Petty,	David Woods,
G. W. Hickman,	W. C. Pike,	J. D. Wills—77.
J. A. Ingram,	V. Perkins,	

Those who voted in the negative were:

M. Abele,	Emmett Orr,	F. G. Shepherd—4.
W. J. Mears,		

Resolved, That said do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 69. An act to amend subsection 1, section 26, article 15, of an act entitled, "An act relating to fees," approved June 15, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That subsection 1, section 26, article 15 of an act entitled, "An act relating to fees," approved June 15, 1893, be amended by adding to said subsection the following words, viz: "Or charge for copies of any record, or parts thereof, when same is not actually made," so that said subsection, as amended, shall read as follows: "No officer shall demand or receive for his services any other or greater fee than is allowed by law, or any fee for services rendered when the law has not fixed a compensation therefor, nor any fee for services not actually rendered, or charge for copies of any record, or parts thereof, when same is not actually made."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
Bruce Adkins,	J. A. Ingram,	L. C. Rawlings,
B. W. Bradburn,	R. C. Jarnagin,	W. H. Ragalnd,
George H. Bishop,	J. H. Lackey,	R. E. Richardson,
A. Bertram,	Joseph F. Laufer,	E. H. Read,
Reuben Conner,	J. M. Letterle,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	S. Atwood Smith,
T. W. Clark,	J. R. Mallory,	G. Weissinger Smith,
W. T. Chilton,	Reuben Morris,	F. G. Shepherd,
W. H. Cooke,	J. R. Mount,	J. A. Small,

J. C. Cantrill,	J. J. Marquette,	O. P. Searcy,
J. E. Cahill,	W. J. Mears,	Miles Spurlock,
J. Morgan Chinn,	R. C. Myers,	G. B. Stout,
A. S. Denton,	Noah Marsee,	Ham. Shehan,
J. B. Depp,	John M. Moore,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	A. J. Thompson,
W. W. Gill,	J. Mc. Meloan,	Frank M. Tracy,
W. C. Holland,	M. F. North,	South Trimble,
C. W. Haverly,	Chas. Aaron Nelson,	George Traver,
J. S. Hood,	Chas. F. Ogden,	H. S. Vanzant,
J. A. Humphreys,	Michael O'Sullivan,	L. E. Weatherford,
W. C. G. Hobbs,	L. J. Owen,	C. A. Wilson,
James M. Hall,	Harry C. Pulliam,	R. E. Watkins,
John T. Hinton,	E. Petty,	R. C. Walker,
J. P. Haswell, Jr.,	W. C. Pike,	David Woods—77.
W. B. Henderson,	V. Perkins,	

Those who voted in the negative were:

J. P. Jeffries,                      D. D. Lykins—2.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

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#### SATURDAY, FEBRUARY 5, 1898.

The House was opened with prayer by Rev. W. B. Adams, of the Baptist church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Charlton moved the adoption of the following resolution, viz:

Whereas, This House having failed to pass the resolution ordering the public printer contractor to print the Rules of the House;

Resolved, That the clerk notify the Printing Commission of the failure of the House to pass any order directing such printing, in order that said Printing Commission may not order the payment of such a bill if presented.

Ordered that said resolution be referred to the Committee on Printing.

Mr. Myers moved the adoption of the following resolution, viz:

Whereas, The resolution requesting Hon. William Lindsay to resign his seat in the United States Senate, has been adopted and made a record on the Journal of the House of Representatives and Senate, therefore, be it

Resolved, By the House of Representatives that the response of Hon. William Lindsay to said resolution be also printed and made a record on the Journal of the House of Representatives.

Mr. Mount moved to lay said resolution on the table.

Said motion was adopted.

Indefinite leave of absence was granted Messrs. W. T. Sharp. Collins, Meloan, W. A. Morris and Woods.

The committees to which the same had been referred, reported bills of the following titles, viz:

By Mr. Trimble, from the Committee on State Prisons and House of Reforms:

S. B. 67. An act to create a Board of Penitentiary Commissioners, and regulate the penal institutions of this Commonwealth.

By Mr. Chinn, from the Committee on Judiciary:

S. B. 17. An act for the benefit of J. E. Robbins, of Graves county.

By Mr. McKee, from the Committee on Railroads:

S. B. 19. An act to amend and re-enact section 819 of chapter 32, Kentucky Statutes entitled, "Corporations, private; penalty and damages for extortion, discrimination, preference; jurisdiction; duty of commissioners; limitation," same being section 226, article 5, subdivision 2 of chapter 171, acts of the General Assembly of Kentucky, which became a law April 5, 1893.

By Mr. Hickman, from the Committee on Circuit Courts:

S. B. 102. An act to amend and re-enact an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court districts.

By Mr. McKee, from the Committee on Railroads:

H. B. 255. An act in regard to weighing coal by railroad companies.

Which bills were severally read the first time, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

Mr. Trimble, from the Committee on State Prison and House of Reform, to which the same had been referred, reported bills as follows:

H. B. 158. An act to regulate convict labor in this State.

H. B. 258. An act to require the authorities in charge of the penitentiaries to advertise for beef, and award the same to the lowest and best bidder.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Mr. Chinn, from the Committee on Judiciary, to which the same had been referred, reported:

H. B. 40. An act to regulate and reduce the salaries of certain State officials.

With a substitute proposed therefor by the committee.

Mr. Weatherford moved to postpone the further consideration of said bill until Wednesday, February 9, at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was adopted.

Mr. McKee, from the Committee on Railroads and Commerce, reported:

H. B. 47. An act to amend section 822 of chapter 32, article 13, title, "Corporations, private," of the Kentucky Statutes, relating to expenses of railroad commissioners.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 822 of chapter 32, article 5, subdivision 3, title, "Corporations, private," of the Kentucky Statutes, be amended by adding thereto the following words, viz: "That part of the traveling expenses of the commission consisting of transportation over the various railroads in this State, shall be borne by the several railroads, and each railroad company shall furnish each commissioner with tickets or other proper evidences of his right to such transportation over its line or lines of railroads," so that said section when thus amended will read as follows:

"Sec. 322. Office at Frankfort; Secretary; Salary of Commissioners and Secretary—The office of the Commission shall be at the seat of Government, and they shall be provided with suitable offices, furniture, and stationery by the State, and may



appoint a secretary of twelve hundred dollars per year, which shall be paid by the State. Each commissioner shall, before entering upon the duties of office, take an oath to discharge faithfully the duties of his office; and they shall each receive an annual salary of two thousand dollars and their actual necessary traveling expenses while engaged in the discharge of their duties, which, together with the salary of the secretary, shall be paid in the same manner as the salary of the Governor, except that before any expenses are paid the chairman of the commission shall file with the Auditor an itemized statement of said expenses, signed by him and approved by the Governor, which statement shall be filed before any warrant can be issued therefor.

“That part of the traveling expenses of the commissioner consisting of transportation over the various railroads of this State, shall be borne by said railroad, and each railroad company shall furnish each commissioner with tickets or other proper evidences of his right to such transportation over its line or lines of railroads.”

Sec. 2. Inasmuch as the State is unable to meet many of its past due obligations, and there is a necessity for curtailing expenses of government where the same can properly and justly be done, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz: .

Those who voted in the affirmative were:

A. H. Charlton,	G. W. Hickman,	W. C. Pike,
T. W. Clark,	J. H. Lackey,	V. Perkins,
J. E. Cahill,	J. M. Lee,	L. C. Rawlings,
J. Morgan Chinn,	J. J. Marquette,	J. A. Small,
A. S. Denton,	J. M. Moore,	G. B. Stout,
J. B. Depp,	M. F. North,	B. F. Saunders,

C. W. Haverly,	Chas. Aaron Nelson,	A. J. Thompson,
J. A. Humphreys,	Emmett Orr,	C. A. Wilson,
W. C. G. Hobbs,	L. J. Owen,	R. E. Watkins,
J. P. Haswell, Jr.,	E. Petty,	R. C. Walker—30.

Those who voted in the negative were:

Bruce Adkins,	Reuben Morris,	R. E. Richardson,
George H. Bishop,	J. R. Mount,	E. H. Read,
A. Bertram,	W. J. Mears,	J. S. Robey,
W. T. Chilton,	R. C. Myers,	G. Weissinger Smith,
W. H. Cooke,	Noah Marsee,	F. G. Shepherd,
J. C. Cantrill,	W. H. McKee,	Andrew Sargent,
W. W. Gill,	F. May,	Miles Spurlock,
W. C. Holland,	Chas. F. Ogden,	Ham. Shehan,
W. B. Henderson,	Michael O'Sullivan,	Frank M. Tracy,
J. P. Jeffries,	Harry C. Pulliam,	H. S. Vanzant,
D. D. Lykins,	A. B. Pieratt,	L. E. Weatherford,
J. R. Mallory,	W. H. Ragland,	J. D. Wills—36.

So said bill was rejected.

A message was received from the Senate announcing that they had passed bills originating in that body, of the following titles, viz:

1. S. B. 1. An act to provide for the setting apart, formation and disbursement of a police pension fund in cities with a population of one hundred thousand or more.
2. S. B. 80. An act to amend and re-enact section 3 of chapter 26, of acts of 1891-2-3, entitled, "An act to authorize the court of claims or levy, or fiscal courts of the counties of this Commonwealth to levy and collect a poll and ad valorem tax for county purposes, and declaring an emergency." approved April 18, 1892, now being section 1884, chapter 52 of the Kentucky Statutes.
3. S. B. 2. An act to authorize the use of certain class of the convict labor in the construction of courthouses, jails.

public roads and bridges, and to authorize the working of violators of the penal laws thereon in payment of fines.

4. S. B. 54. An act to change the boundaries of the Eighth and Eleventh Congressional Districts of Kentucky.

Ordered that said bills be referred: The first to the Committee on Municipalities; the second to the Committee on Kentucky Statutes, and the third and fourth to the Committee on Judiciary.

Mr. Nelson, from the Committee on Education, to which the same had been referred, reported:

H. B. 115. An act to establish a uniform series of text books to be used in the public schools of this Commonwealth, and to reduce the price thereof.

With a substitute proposed therefor by the committee.

Mr. Mocquot moved that the further consideration of said bill be postponed until Monday, February 7th, at 11:30, and that the same be made a special order for that hour, and that the substitute be printed.

Said motion was adopted.

Mr. Nelson, from the Committee on Education, to which the same had been recommitted, reported:

H. B. 43. An act to amend and re-enact section 4443, of article 8 of chapter 113 of Kentucky Statutes (being section 79 of the common school law of 1896), of an act to provide for an efficient system of common schools throughout this State.

With a substitute proposed therefor by the committee.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 4443, of article 8, of chapter 113, of the Kentucky Statutes, as now in force, being section 79 of an act entitled, "An act to provide for an efficient system of common schools throughout this State," approved July 6, 1893, be, and the same is hereby amended by adding thereto and immediately after the word "district" in the last line of said section the following words, to-wit:

"In the event any one appointed to fill said office fails or refuses to qualify as such treasurer within thirty days after his appointment, it shall then be the duty of the sheriff of the county to collect said taxes, as is now provided for the collection of taxes for State and county revenue, and discharge all the duties pertaining to the office of treasurer, as provided in this act;" so that said section, as amended and re-enacted, shall read as follows:

*Levying and Collecting District Taxes.*

"Sec. 443. Whenever there shall be a tax levied in any common school district or graded school district, it shall be the duty of the trustees to appoint a district treasurer, who shall hold his office four years, and until his successor is appointed and qualified, unless sooner removed by the county superintendent, which he may do for any failure on the part of said treasurer to discharge his duties, as required by law. Before the treasurer shall enter upon the discharge of his duties he shall execute bond in the name of the Commonwealth of Kentucky, to the board of trustees in a sum equal to double the amount of taxes to be collected, with one or more sufficient sureties, to be approved by the county judge or justice of the peace, for the faithful performance of his duties, which bond shall be renewed every year. The tax shall be levied on the property of the district, as may be assessed and equalized for county taxation immediately preceding the levy by the trustees; and within ten days after said levy it shall be the duty of the district treasurer, with the assistance of the county superinten-

dent, to make, or cause to be made from the assessor's book, as equalized for county taxation, and the records of assessments of property as filed by the railroad commissioners or board of assessment in the office of the county clerk, a list of the names of all persons or corporations liable for such taxes, and the amount of property owned by each and liable therefor, and the total amount of taxes due from each, and shall file a copy of the list with the board of trustees. The treasurer shall collect all taxes levied for common school purposes on the property of the district. The holder of the legal title, and the holder of the equitable title, and the claimant or bailee in possession of the property on the fifteenth day of September of the year the assessment is made, shall be liable for the taxes thereon; but, as between themselves, it shall be the duty of the holder of the equitable title to list the property and pay the taxes thereon, whether the property be in possession or not at the time of the payment. The board of trustees shall, within five days after such tax list shall have been delivered to the chairman, fix the time at which such taxes shall be paid to the district treasurer, which shall not be less than two nor more than four months from the time of making such order. The board shall cause written or printed notices of the amount of the levy, and the time and places in which the tax is required to be paid, to be posted in at least three public places in the district. It shall be the duty of all tax-payers to pay their taxes to the treasurer at the time and in the place designated in the notice. On failure of any such tax-payer to pay his taxes within such designated period, he shall, at the expiration thereof, be deemed delinquent, and a penalty of five per centum of the amount of the taxes due, shall attach against each delinquent at the expiration of the period for receiving the taxes. It shall then be the treasurer's duty to collect such delinquent taxes and levy on and sell property therefor and make report thereof to the board of trustees. The treasurer shall collect the taxes within ninety days after receiving the list by sale of property or otherwise. He shall have the same power

that the sheriff now has in the collection of the State and county revenue, and proceed in the same manner and receive the same compensation as the sheriff was entitled to receive; and for failure to perform this duty, and other duties mentioned in this section, he shall be liable on his bond; and all such delinquent lists as may now be in the hands of the sheriff in this Commonwealth uncollected, shall be returned to the district treasurer for collection under this amendment, and such as have been wholly or partly collected by sheriffs shall be accounted for as provided in the original act. The treasurer shall, in his annual report to the trustees and to the county superintendent, make an itemized statement of the amount levied, the purpose of such levy, the itemized amount collected, the amount disbursed and the amount still on hand. In case of vacancy by resignation, or removal, the treasurer shall make settlement with and turn over all monies to the county superintendent immediately following such resignation or removal. The treasurers and county superintendents holding money for districts shall pay out same on order of board of trustees for said districts. In the event any one appointed to fill said office fails or refuses to qualify as such treasurer within thirty days after his appointment, it shall then be the duty of the sheriff of the county to collect said taxes, as is now provided for the collection of taxes for State and county revenue, and discharge all the duties pertaining to the office of treasurer, as provided in this act."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	D. D. Lykins,	V. Perkins,
A. Bertram,	J. M. Lee,	A. B. Pieratt,
A. H. Charlton,	J. R. Mallory,	L. C. Rawlings,
T. W. Clark,	J. D. Mocquot,	W. H. Ragland,
W. T. Chilton,	Reuben Morris,	R. E. Richardson,

W. H. Cooke,	J. R. Mount,	E. H. Read,
J. C. Cantrill,	J. J. Marquette,	J. S. Robey,
J. E. Cahill,	R. C. Myers,	S. Atwood Smith,
J. Morgan Chinn,	Noah Marsee,	G. Weissinger Smith,
A. S. Denton,	John M. Moore,	F. G. Shepherd,
J. B. Depp,	W. H. McKee,	J. A. Small,
M. T. Freeman,	F. May,	Andrew Sargent,
W. W. Gill,	J. H. Minor,	Miles Spurlock,
W. C. Holland,	M. F. North,	Ham. Shehan,
J. A. Humphreys,	Chas. Aaron Nelson,	A. J. Thompson,
W. C. G. Hobbs,	Emmett Orr,	South Trimble,
J. P. Haswell, Jr.,	Chas. F. Ogden,	H. S. Vanzant,
W. B. Henderson,	L. J. Owen,	L. E. Weatherford,
G. W. Hickman,	Harry C. Pulliam,	C. A. Wilson,
J. A. Ingram,	E. Petty,	R. E. Watkins,
J. P. Jeffries,	W. C. Pike,	R. C. Walker,
J. H. Lackey,		J. D. Wills—65.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend and re-enact section 79 of an act entitled, "An act to provide for an efficient system of common schools throughout this State," approved July 6, 1893.

Mr. Nelson, from the Committee on Education, to which the same had been recommitted, reported:

H. B. 75. An act to amend section 4434, article 8 of Kentucky Statutes, entitled "District trustees."

With substitute proposed therefor by the committee.

Ordered that said substitute be printed and that said bill be placed in the orders of the day.

The House took from the orders of the day:

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 54 of an act entitled, "An act relating to fees," approved January 15, 1893, be, and the same is hereby, amended by adding thereto the following provision, to-wit:

"Provided, That in counties containing a population of seventy-five thousand or over, the annual salary of the chief deputy, and each deputy or assistant assessor, transfer clerk and draughtsman shall be fixed by the judge of the county court by an order of record, and the salary of the chief deputy shall not exceed twenty-five hundred dollars per annum, and the salaries of the other deputies or assistant deputies and draughtsmen shall not exceed fifteen hundred dollars per annum, and the salary of the transfer clerk shall not exceed twelve hundred dollars; Provided, further, That the total amount allowed for salaries of such assessor, chief deputy, deputy, or assistant assessors, draughtsmen and transfer clerk, and all other expenses of such office, shall not exceed in the aggregate the compensation now allowed by law to such assessor and his deputies, and for the other expenses of his office."

Said section when amended shall read as follows: "The clerk of the Court of Appeals, and each assessor, in a county having a population over seventy-five thousand, shall annually, in the month of January, report to the Auditor, under oath, the amount received by him on account of his official duties or position, from all sources during the preceding year, as well as the amount paid out by him for deputies or assistants, giving the amount paid to each and for expenses of his office; and if it shall appear from such statement that any such officer received as compensation, on account of his office, from all sources, more than four thousand dollars, after the payment



of his deputies or assistants, and all the expenses of his office, such officer shall, with such statement, pay to the Auditor the amount so received in excess of four thousand dollars, and if any officer shall fail to report as required by this section, he shall be fined not less than one, nor more than five hundred dollars, and, upon conviction, a judgment shall be entered declaring his office vacant.

The annual salary of each deputy or assistant assessor shall be fixed by the judge of the county court by an order entered of record, and shall not exceed six hundred dollars per annum; Provided, That in counties containing a population of seventy-five thousand or over, the annual salary of the chief deputy, and each deputy or assistant assessor, transfer clerk, and draughtsman shall be fixed by the judge of the county court by an order entered of record, and the salary of the chief deputy shall not exceed twenty-five hundred dollars per annum, and the salaries of the other deputies or assistant assessors and draughtsman shall not exceed fifteen hundred dollars per annum, and the salary of the transfer clerk shall not exceed twelve hundred dollars per annum; Provided, further, That the total amount allowed for salaries for such assessor, chief deputy, deputy, or assistant assessors, draughtsman, and transfer clerks, and all other expenses of such office, shall not exceed in the aggregate the compensation now allowed by law to such assessor and his deputies, and for the other expenses of his office; a copy of such, as well as a copy of any change made therein, shall be filed with the Auditor by the clerk of the county court, when made. The salaries of the deputies of the clerk of the Court of Appeals shall be fixed by an order of the Court of Appeals, a copy of which order shall be filed with the Auditor by the clerk of said court, when made."

Sec. 2. That as, under the present law, large numbers of property owners are being omitted from the assessment of their property by reason of inadequate facilities afforded the

county assessors in counties containing a population of seventy-five thousand or over, and as it is to the interest of the taxpayers of the whole State that this state of affairs should cease as soon as possible, therefore an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	D. D. Lykins,	A. B. Pieratt,
A. Bertram,	J. M. Lee,	L. C. Rawlings,
A. H. Charlton,	J. R. Mallory,	W. H. Ragland,
T. W. Clark,	Reuben Morris,	R. E. Richardson,
W. T. Chilton,	J. R. Mount,	E. H. Read,
W. H. Cooke,	J. J. Marquette,	J. S. Robey,
J. C. Cantrill,	W. J. Mears,	G. Weissinger Smith,
J. E. Cahill,	R. C. Myers,	F. G. Shepherd,
A. S. Denton,	John M. Moore.	J. A. Small,
J. B. Depp,	W. H. McKee,	Andrew Sargent,
M. T. Freeman,	F. May,	Miles Spurlock,
W. W. Gill,	J. H. Minor,	G. B. Stout,
W. C. Holland,	M. F. North,	Ham. Shehan,
C. W. Haverly,	Chas. Aaron Nelson,	B. F. Saunders,
J. A. Humphreys,	Emmett Orr,	A. J. Thompson,
W. C. G. Hobbs,	Chas. F. Ogden,	Frank M. Tracy,
J. P. Haswell, Jr.,	Michael O'Sullivan,	H. S. Vanzant,
W. B. Henderson,	L. J. Owen,	L. E. Weatherford,
G. W. Hickman,	Harry C. Pulliam,	C. A. Wilson,
J. A. Ingram,	E. Petty,	R. E. Watkins,
J. P. Jeffries,	W. C. Pike,	R. C. Walker,
J. H. Lackey,	V. Perkins,	J. D. Wills—66.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. Res. 10. Resolution fixing and declaring the first Monday in September of each year a legal holiday in the Commonwealth of Kentucky.

Mr. Trimble moved to amend said bill by adding after the word September the words, "and the first day of January."

Mr. Mount moved to lay said amendment and resolution on the table.

Said motion was rejected.

Said amendment was then adopted.

Mr. Sargent moved an amendment to said resolution.

Said amendment was rejected.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz:

Whereas, The first Monday in September of each year has been set apart and observed by the various labor organizations and citizens of this Commonwealth as a holiday, and the first day of January of each year having long been recognized and observed as a holiday; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the first Monday in September and the first day of January of each year are declared to be legal holidays.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. H. Lackey,	L. C. Rawlings,
George H. Bishop,	D. D. Lykins,	W. H. Ragland,
A. Bertram,	J. M. Lee,	R. E. Richardson,
A. H. Charlton,	J. R. Mallory,	J. S. Robey,
T. W. Clark,	Reuben Morris,	S. Atwood Smith,

W. H. Cooke,	J. J. Marquette,	G. Weissinger Smith,
J. C. Cantrill,	R. C. Myers,	F. G. Shepherd,
J. E. Cahill,	John M. Moore,	J. A. Small,
J. Morgan Chinn,	W. H. McKee,	Miles Spurlock,
A. S. Denton,	F. May,	G. B. Stout,
J. B. Depp,	J. H. Minor,	Ham. Shehan,
M. T. Freeman,	Chas. Aaron Nelson,	B. F. Saunders,
W. C. Holland,	Emmett Orr,	A. J. Thompson,
C. W. Haverly,	Chas. F. Ogden,	Frank M. Tracy,
J. A. Humphreys,	Michael O'Sullivan,	South Trimble,
W. C. G. Hobbs,	L. J. Owen,	H. S. Vanzant,
J. P. Haswell, Jr.,	Harry C. Pulliam,	L. E. Weatherford,
W. B. Henderson,	E. Petty,	C. A. Wilson,
G. W. Hickman,	W. C. Pike,	R. E. Watkins,
J. A. Ingram,	V. Perkins,	R. C. Walker—62.
J. P. Jeffries,	A. B. Pieratt,	

Those who voted in the negative were:

W. T. Chilton,	W. J. Mears,	E. H. Read,
W. W. Gill,	Noah Marsee,	J. D. Wills—8.
J. R. Mount,	M. F. North,	

Resolved, That said resolution be adopted and that the title thereof be as follows, viz:

Resolution declaring the first day of January and the first Monday of September in each year legal holidays.

The House took up from the orders of the day, bills of the following titles, viz:

H. B. 81. An act to amend and re-enact section 3 of article 13 of an act entitled, "An act relating to revenue and taxation," which became a law on November 11, 1892, and which is now section 4241 of the Kentucky Statutes.

H. B. 266. An act to secure to the people of the State of Kentucky the right to propose legislation to the Legislature and vote upon certain questions, called the referendum law.

H. B. 123. An act to amend and re-enact section 189 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, the same being section 2974 of the Kentucky Statutes.

Which bills were severally read the second time and placed in the orders of the day.

The House took from the orders of the day:

H. B. 185. An act to amend section 580 of the Civil Code of Practice concerning evidence, and the matter of taking depositions, and the re-enactment of said section as amended.

The question being taken on the motion heretofore entered by Mr. Hobbs to reconsider the vote by which said bill was rejected, it was decided in the affirmative.

Mr. Hobbs moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. Hobbs moved to reconsider the vote by which the amendment heretofore moved by Mr. Mocquot was adopted.

Said motion was adopted.

Said amendment was then withdrawn.

Mr. Tracy moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 580 of the Civil Code of Practice be amended by adding thereto the following:

"The questions and statements of the witness may be written in the presence of the witness, in shorthand, by the officer taking the deposition, who shall therefrom transcribe the same

in longhand or typewriting, before filing the said deposition, but the deposition shall, after being transcribed in longhand or typewriting by the officer, be read over by the witness and subscribed by him in the presence of the officer, unless the subsequent reading of the longhand or typewriting and signature be dispensed with by the written consent of the parties or their attorneys, to be filed with depositions.

"Subsection 1. Depositions taken out of the State of Kentucky to be used in this State may be taken in the same manner and under the same conditions as if taken within the State.

"Subsection 2. The guardian of an infant, the committee of a person of unsound mind, or the attorney for such guardian or committee ad litem of a person under disability and the warning order of attorney shall have the power to consent to the waiver of the reading of the longhand or typewriting to and subscription of depositions by the witness."

Said section as amended shall read as follows:

"Section 580. The statement of the witness shall be written by him in the presence of the officer taking the depositions, or by the officer in the presence of the witness, the questions and statements of the witness may be written in the presence of the witness in shorthand by the officer taking the deposition, who shall therefrom transcribe the same in longhand or typewriting before filing the said deposition, but the deposition shall, after being transcribed in long hand or typewriting by the officer, be read over by the witness and subscribed by him in the presence of the officer, unless the subsequent reading of the longhand or typewriting and signature be dispensed with by the written consent of the parties or their attorneys, to be filed with the depositions.

"Subsection 1. Depositions taken outside of the State of Kentucky to be used in this State may be taken in the same manner and under the same conditions as if taken within the State.

"Subsection 2. The guardian of an infant, the committee of

a person of unsound mind, or the attorney for such guardian or committee, and the guardian ad litem of a person under disability, and the warning order of attorney shall have the power to consent to the waiver of the reading of the longhand or typewriting to, and subscription of depositions taken by the witness."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. D. Mocquot,	L. C. Rawlings,
George H. Bishop,	R. C. Myers,	S. Atwood Smith,
A. H. Charlton,	John M. Moore,	G. Weissinger Smith,
J. C. Cantrill,	W. H. McKee,	J. A. Small,
J. E. Cahill,	F. May,	Andrew Sargent,
A. S. Denton,	Emmett Orr,	G. B. Stout,
W. C. G. Hobbs,	Chas. F. Ogden,	Frank M. Tracy,
J. P. Haswell, Jr.,	Michael O'Sullivan,	South Trimble,
W. B. Henderson,	L. J. Owen,	H. S. Vanzant,
G. W. Hickman,	E. Petty,	C. A. Wilson,
J. P. Jeffries,	V. Perkins,	R. E. Watkins—34.
J. R. Mallory,		

Those who voted in the negative were:

T. W. Clark,	J. M. Lee,	R. E. Richardson,
J. Morgan Chinn,	Reuben Morris,	E. H. Read,
J. B. Depp,	J. R. Mount,	J. S. Robey,
M. T. Freeman,	W. J. Mears,	F. G. Shepherd,
W. W. Gill,	Noah Marsee,	Miles Spurlock,
W. C. Holland,	J. H. Minor,	Ham. Shehan,
C. W. Haverly,	M. F. North,	B. F. Saunders,
J. A. Humphreys,	Chas. Aaron Nelson,	A. J. Thompson,
J. A. Ingram,	W. C. Pike,	L. E. Weatherford,
J. H. Lackey,	A. B. Pieratt,	R. C. Walker,
D. D. Lykins,	W. H. Ragland,	J. D. Wills—33.

The following pair was announced, viz:

Mr. Chilton with Mr. Pulliam; Mr. Pulliam, if present, would have voted aye, and Mr. Chilton, if present, would have voted no.

So said bill was rejected.

And the House adjourned.

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MONDAY, FEBRUARY 7, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Petition was presented as follows, viz:

By Mr. Pulliam:

Petition of sundry citizens of Louisville protesting against certain proposed bills affecting the City of Louisville.

Said petition was received, its reading dispensed with, and referred to the Committee on Municipalities.

Mr. Humphreys read and laid on the table the following resolution, viz:

Whereas, Many of the law books of our sister states are not to be found in our State Library; and,

Whereas, It is necessary to have the law libraries of other states complete for the benefit of the officers of the State in the intelligent performance of their duties; be it

Resolved by the House of Representatives, the Senate concurring, That the State Librarian be instructed to at once make requisition on all states with which this Commonwealth



exchanges, for their statutes, codes, digests, reports, and acts of the Legislature, and place them in order under their proper heading in the State Library, as soon as received, in order that said law libraries of said states may be completed.

The committee to which the same had been referred, reported bills of the following titles, viz:

Mr. Orr, from the Committee on Revenue and Taxation:

H. B. 269. An act to repeal parts of an act entitled, "An act relating to revenue."

By same:

H. B. 281. An act to regulate the assessment of property in this Commonwealth.

By same:

H. B. 252. An act to regulate and further prescribe the duties of assessors, and to regulate assessments of property in this Commonwealth.

Mr. Bradburn, from the Committee on Kentucky Statutes:

H. B. 293. An act to amend an act entitled, "An act concerning liens," approved February 25, 1893, by adding thereto section 4a.

By same:

H. B. 288. An act to amend section 2500, granting lien on horses and cattle for feed furnished.

By same:

H. B. 296. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893, being chapter 47, Kentucky Statutes.

With the expression of opinion that they should pass.

The said bills were severally read the first time at length, and ordered to be printed and read the second time on some other day.

Mr. Orr, from the Committee on Revenue and Taxation, to which the same had been referred, reported:

H. B. 280. An act to repeal an act entitled, "An act to amend section 1, article 6 of chapter 103 of session acts of 1891-2-3 entitled, 'An act relating to revenue and taxation.'"

With expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Orr, from the Committee on Revenue and Taxation, to which the same had been referred, reported:

H. B. 264: An act for the more perfect assessment and collection of taxes from railroad companies.

With a substitute proposed therefor by the committee.

Said bill was read the first time in full, ordered to be printed, placed on the orders of the day, and read the second time on some other day.

The hour of 11:30 o'clock having arrived the House took up for consideration the special order for that hour, viz:

H. B. 115. An act to establish a uniform series of text-books to be used in the public schools of this Commonwealth and reduce the price thereof.

Mr. Chinn moved to postpone the further consideration of said bill until to-morrow at 11:40 o'clock A. M., and that the same be made a special order for that day.

Said motion was adopted.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been recommitted, reported:

H. B. 21. An act to amend section 2056, chapter 62 of the Kentucky Statutes.

With a substitute proposed therefor by the committee.

Mr. O'Sullivan moved an amendment to said substitute.

Said amendment was rejected.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows,  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sections 5, 8 and 10, chapter 49 of the General Statutes of Kentucky, being section 2046, chapter 62 of the Kentucky Statutes, be amended so as to read: "An officer shall be allowed for conveying a prisoner charged with a felony from one county to another, or to the penitentiary, ten cents per mile one way, to be calculated by the nearest traveled route, for himself and for each guard employed, and shall be paid for all actual necessary expenses for feeding, lodging and transporting the prisoners.

"After performing such services the officer shall make out a full and complete account of all expenses incurred for said services, giving the names of the guards employed and distance traveled and actual expenses of feeding, lodging and transportation of the prisoner or prisoners, which shall be verified by oath before the circuit court and certified by the clerk to the Auditor for payment.

"But if the prisoner is conveyed to the penitentiary the Auditor may, upon a statement containing the facts required by this section and verified by the oath of the office, audit and allow the claim."

Sec. 2. The preceding section is hereby re-enacted, and all laws in conflict therewith are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

## Those who voted in the affirmative were:

Reuben Conner,	Reuben Morris,	Chas. F. Ogden,
T. W. Clark,	J. R. Mount,	Michael O'Sullivan,
W. H. Cooke,	J. J. Marquette,	L. J. Owen,
J. E. Cahill,	W. J. Mears,	W. C. Pike,
J. B. Depp,	R. C. Myers,	L. C. Rawlings,
W. W. Gill,	Noah Marsee,	R. E. Richardson,
W. C. Holland,	John M. Moore,	E. H. Read,
C. W. Haverly,	W. H. McKee,	J. S. Robey,
J. A. Humphreys,	F. May,	F. G. Shepherd,
J. P. Haswell, Jr.,	J. H. Minor,	Andrew Sargent,
J. A. Ingram,	J. Mc. Meloan,	A. J. Thompson,
J. H. Lackey,	M. F. North,	H. S. Vanzant,
Joseph F. Laufer,	Chas. Aaron Nelson,	L. E. Weatherford,
J. M. Lee,	Emmett Orr,	R. C. Walker—42.

## Those who voted in the negative were:

M. Abele,	W. C. G. Hobbs,	V. Perkins,
Bruce Adkins,	John T. Hinton,	A. B. Pieratt,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
George H. Bishop,	G. W. Hickman,	J. A. Small,
A. Bertram,	D. D. Lykins,	Miles Spurlock,
A. H. Charlton,	J. P. Jeffries,	G. B. Stout,
J. C. Cantrill,	J. R. Mallory,	Frank M. Tracy,
J. Morgan Chinn,	J. D. Mocquot,	C. A. Wilson,
Claude Desha,	W. A. Morris,	C. B. Wheeler,
M. T. Freeman,	Harry C. Pulliam,	R. E. Watkins,
J. S. Hood,	E. Petty,	J. D. Wills—33.

Mr. Desha moved to reconsider the vote by which said bill was rejected, and moved to lay that motion on the table.

Said last named motion was rejected.

The motion to reconsider was then adopted.

The yeas and nays being demanded thereon by Messrs. Tracy and Wilson, were as follows, viz:

## Those who voted in the affirmative were:

Reuben Conner,	J. M. Lee,	Michael O'Sullivan,
T. W. Clark,	Reuben Morris,	L. J. Owen,
W. H. Cooke,	J. R. Mount,	W. C. Pike,
J. E. Cahill,	J. J. Marquette,	L. C. Rawlings,
J. B. Depp,	W. J. Mears,	R. E. Richardson,
W. W. Gill,	R. C. Myers,	E. H. Read,
W. C. Holland,	Noah Marsee,	J. S. Robey,
C. W. Haverly,	John M. Moore,	S. Atwood Smith,
J. S. Hood,	W. H. McKee,	F. G. Shepherd,
J. A. Humphreys,	F. May,	Andrew Sargent,
James M. Hall,	J. H. Minor,	Ham. Shehan,
J. P. Haswell, Jr.,	J. Mc. Meloan,	B. F. Saunders,
J. A. Ingram,	M. F. North,	A. J. Thompson,
J. P. Jeffries,	Chas. Aaron Nelson,	South Trimble,
J. H. Lackey,	Emmett Orr,	L. E. Weatherford,
Joseph F. Laufer,	Chas. F. Ogden,	R. C. Walker—48.

## Those who voted in the negative were:

M. Abele,	W. C. G. Hobbs,	V. Perkins,
Bruce Adkins,	John T. Hinton,	A. B. Pieratt,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
George H. Bishop,	G. W. Hickman,	J. A. Small,
A. Bertram,	D. D. Lykins,	Miles Spurlock,
A. H. Charlton,	J. R. Mallory,	G. B. Stout,
J. C. Cantrill,	J. D. Mocquot,	Frank M. Tracy,
J. Morgan Chinn,	W. A. Morris,	H. S. Vanzant,
Claude Desha,	Harry C. Pulliam,	C. A. Wilson,
M. T. Freeman,	E. Petty,	C. B. Wheeler—30.

Mr. North moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. North moved to amend said bill by striking out the emergency clause.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Reuben Conner,	J. R. Mount,	L. J. Owen,
T. W. Clark,	J. J. Marquette,	W. C. Pike,
W. H. Cooke,	W. J. Mears,	L. C. Rawlings,
J. E. Cahill,	R. C. Myers,	R. E. Richardson,
J. B. Depp,	Noah Marsee,	E. H. Read,
W. W. Gill,	John M. Moore,	J. S. Robey,
W. C. Holland,	W. H. McKee,	S. Atwood Smith,
C. W. Haverly,	J. H. Minor,	F. G. Shepherd,
J. A. Humphreys,	J. Mc. Meloan,	Andrew Sargent,
J. P. Haswell, Jr.,	M. F. North,	Ham. Shehan,
J. A. Ingram,	Chas. Aaron Nelson,	B. F. Saunders,
J. H. Lackey,	Emmett Orr,	A. J. Thompson,
Joseph F. Laufer,	Chas. F. Ogden,	L. E. Weatherford,
J. M. Lee,	Michael O'Sullivan,	R. C. Walker—43.
Reuben Morris,		

Those who voted in the negative were:

M. Abele,	W. C. G. Hobbs,	E. Petty,
Bruce Adkins,	James M. Hall,	V. Perkins,
B. W. Bradburn,	John T. Hinton,	A. B. Pieratt,
George H. Bishop,	W. B. Henderson,	W. H. Ragland,
A. Bertram,	G. W. Hickman,	J. A. Small,
A. H. Charlton,	J. P. Jeffries,	Miles Spurlock,
J. C. Cantrill,	D. D. Lykins,	G. B. Stout,
J. Morgan Chinn,	J. R. Mallory,	Frank M. Tracy,
A. S. Denton,	J. D. Mocquot,	South Trimble,
Claude Desha,	F. May,	H. S. Vanzant,

M. T. Freeman, W. A. Morris, C. A. Wilson,  
J. S. Hood, Harry C. Pulliam, C. B. Wheeler—36.

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend sections 5, 8, and 10, chapter 49 of the General Statutes, being section 2046, chapter 62, Kentucky Statutes.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

H. B. 70. An act appropriating money to pay certain claims due the sheriffs and jailer of Menefee County, and directing the Auditor of Public Accounts to draw his warrant on the Treasurer of the State of Kentucky in favor of J. B. Lyons, sheriff; W. Branham, deputy sheriff, and Thomas Greenwade, jailer, of Menefee County.

H. B. 61. An act concerning the liability of the owners, possessors, or operators of railways, for the negligence or wrongful acts of servants and fellow-servants.

Referred to the Committee on Judiciary.

S. B. 93. An act to amend section 78 of article 3, chapter 171, of acts of session 1891-2-3, entitled, "An act providing for the creation and regulations of private corporations," which became a law April 5, 1893.

Referred to the Committee on Corporate Institutions.

S. B. 56. An act to amend and re-enact an act approved March 19, 1894, for governing cities of the second class.

Referred to the Committee on Municipalities.

The House took from the orders of the day:

H. B. 151. An act to prevent railroad, telegraph, telephone, bridge or common carrier companies from consolidating their capital stock or pooling their earnings, and prescribing penalties therefor.

Ordered that said be read the third time.

Said bill was read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No railroad, telegraph, telephone, bridge, or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge, or common carrier company owning a parallel or competing line or structure, or acquire by purchase, lease, or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Sec. 2. Any railroad, telegraph, telephone, bridge, or common carrier company who shall violate any of the provisions of section 1 of this act, shall, upon conviction by a court of competent jurisdiction for the first offense be fined two thousand dollars; for the second offense five thousand dollars, and for the third offense, shall thereupon, ipso facto, forfeit its franchises or charter rights, and if such delinquent be a foreign corporation, it shall, ipso facto, forfeit its right to do business in this State, and the Attorney-General of the Commonwealth shall forthwith, upon notice of the violations of any of the provisions of this act, institute proceedings to enforce the aforesaid provisions.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,  
A. Bertram,

Reuben Morris,  
J. R. Mount,

E. H. Read,  
J. S. Robey,



Reuben Conner,	J. J. Marquette,	S. Atwood Smith,
T. W. Clark,	W. J. Mears,	F. G. Shepherd,
W. H. Cooke,	R. C. Myers,	J. A. Small,
J. C. Cantrill,	Noah Marsee,	Andrew Sargent,
J. E. Cahill,	John M. Moore,	Miles Spurlock,
A. S. Denton,	F. May,	G. B. Stout,
J. B. Depp,	W. A. Morris,	Ham. Shehan,
W. W. Gill,	M. F. North,	B. F. Saunders,
J. S. Hood,	Chas. Aaron Nelson,	A. J. Thompson,
J. A. Humphreys,	Michael O'Sullivan,	South Trimble,
W. C. G. Hobbs,	L. J. Owen,	H. S. Vanzant,
J. P. Haswell, Jr.,	E. Petty,	L. E. Weatherford,
G. W. Hickman,	W. C. Pike,	C. A. Wilson,
J. P. Jeffries,	V. Perkins,	C. B. Wheeler,
J. H. Lackey,	A. B. Pieratt,	R. E. Watkins,
Joseph F. Laufer,	L. C. Rawlings,	R. C. Walker—55.
J. M. Lee,		

Those who voted in the negative were:

M. Abele,	W. C. Holland,	J. D. Mocquot,
B. W. Bradburn,	C. W. Haverly,	W. H. McKee,
Geo. H. Bishop,	John T. Hinton,	J. H. Minor,
A. H. Charlton,	W. B. Henderson,	J. Mc. Meloan,
J. Morgan Chinn,	J. A. Ingram,	W. H. Ragland,
Claude Desha,	J. R. Mallory,	Frank M. Tracy—19.
M. T. Freeman,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 149. An act to amend and re-enact section 829, Kentucky Statutes.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 236, subdivision 3, chapter 171 of acts of 1891, '92, and '93, approved March 10, 1893, and being same as section 829 of the Kentucky Statutes, be, and the same is hereby, amended and re-enacted by adding at the end of said section the following: "But the provisions of this section shall not be so construed as to prevent a party aggrieved from prosecuting his action in the courts, having jurisdiction of the amount in controversy, for damages or overcharges caused by the violation of the provisions of sections 223, 224, or 225 of said act, and being sections 816, 817, and 818, Kentucky Statutes," so that said section as amended and re-enacted will read as follows:

"Section 829. The commission shall hear and determine complaints under sections 816, 817, and 818. Such complaints shall be made in writing, and they shall give the company complained of not less than ten days' notice of the time and place of the hearing of the same. They shall hear and reduce to writing all the evidence adduced by the parties, and render such award as may be proper. If the award of the commission be not satisfied within ten days after the same is rendered, the chairman shall file a copy of said award and the evidence heard, in the office of the clerk of the circuit court of the county, which, under the Code of Practice, would have jurisdiction of said controversy, and the clerk of said court shall enter the same on the docket for trial; and summons shall be issued, as in other cases, against the party against whom the award shall have been rendered, requiring said party to appear in the court, within the time allowed in ordinary cases, and show cause why said award shall not be satisfied. If such party fails to appear, judgment shall be rendered by default, and the same proceedings had thereon as in other ordinary cases. If a trial is demanded the case shall be tried, in all respects, as other ordinary cases in which the same amount is involved, except

that no evidence shall be introduced by either party except that heard by the commission, except such as the court shall be satisfied, by sworn testimony, could not have been produced before the commission by the exercise of reasonable diligence; the judgment and proceedings thereon shall be the same as in other ordinary cases; but the provisions of this section shall not be so construed as to prevent a party aggrieved from prosecuting his action in the courts, having jurisdiction of the amount in controversy, for damages or overcharges caused by the violation of the provisions of sections 816, 817, or 818."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	D. D. Lykins,	V. Perkins,
B. W. Bradburn,	J. M. Lee,	A. B. Pieratt,
A. Bertram,	J. R. Mallory,	L. C. Rawlings,
A. H. Charlton,	J. D. Mocquot,	W. H. Ragland,
T. W. Clark,	Reuben Morris,	R. E. Richardson,
W. H. Cooke,	J. R. Mount,	E. H. Read,
J. C. Cantrill,	J. J. Marquette,	J. S. Robey,
J. E. Cahill,	W. J. Mears,	S. Atwood Smith,
A. S. Denton,	R. C. Myers,	F. G. Shepherd,
J. B. Depp,	Noah Marsee,	Andrew Sargent,
M. T. Freeman,	John M. Moore.	Miles Spurlock,
W. W. Gill,	W. H. McKee,	G. B. Stout,
W. C. Holland,	F. May,	Ham. Shehan,
C. W. Haverly,	J. H. Minor,	B. F. Saunders;
J. S. Hood,	W. A. Morris,	A. J. Thompson,
J. A. Humphreys,	J. Mc. Meloan,	Frank M. Tracy,
W. C. G. Hobbs,	M. F. North,	South Trimble,
James M. Hall,	Chas. Aaron Nelson,	H. S. Vanzant,
J. P. Haswell, Jr.,	Chas. F. Ogden,	L. E. Weatherford,
W. B. Henderson,	L. J. Owen,	C. A. Wilson,
G. W. Hickman,	Harry C. Pulliam,	C. B. Wheeler,

J. A. Ingram,  
J. P. Jeffries,

E. Petty,  
W. C. Pike,

R. E. Watkins,  
R. C. Walker—69.

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as follows, viz:

An act entitled, an act providing for the creation and regulation of private corporations, chapter 171, subdivision 3, section 236, acts of 1891-2-3, approved March 10, 1893.

And then the House adjourned.

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TUESDAY, FEBRUARY 8, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

The Speaker laid before the House the following invitation, viz:

STATE NORMAL SCHOOL, }  
FRANKFORT, KY., February 7, 1898. }

Hon. J. C. W. Beckham,

Speaker of the House of Representatives,

Frankfort, Ky.:

DEAR SIR—I am requested by the faculty of this institution to inclose a program, inviting the House of Representatives to be present on "General Assembly Day," Friday afternoon, February 11, at 2 o'clock P. M.

Appropriate exercises will be given by the students at that

time, and the grounds and buildings will be ready for the inspection of your honorable body.

Respectfully,

JOHN H. JACKSON,  
President.

Upon the call of counties for the introduction of bills the following were introduced and referred, viz:

By Mr. Haswell:

H. B. 333. An act to amend and re-enact section 4 article 12 of an act entitled, "An act to regulate elections in this Commonwealth," approved June 30, 1892.

Referred to the Committee on Suffrage and Elections.

By Mr. Hobbs:

H. B. 334. An act authorizing county judges of cities of the second class to appoint transcript clerks.

Referred to the Committee on Municipalities.

By Mr. Petty:

H. B. 335. An act authorizing the sale of Northern Kentucky Normal School property and to dispose of the proceeds thereof.

Referred to the Committee on Education.

By Mr. Owen:

H. B. 336. An act to compel steam engineers to pass an examination and obtain a certificate before taking charge of an engine.

Referred to the Committee on Agriculture and Manufactures.

By Mr. Chilton:

H. B. 337. An act to amend subdivision 3, section 22, article 4 of an act for the government of cities of the fifth class, approved July 3, 1893.

Referred to the Committee on Municipalities.

By Mr. Tracy:

H. B. 338. An act providing for the time at which promissory notes and bills of exchange shall be due and payable and abolishing days of grace.

Referred to the Committee on Kentucky Statutes.

By Mr. Abele:

H. B. 339. An act to protect union labor.

Referred to the Committee on Immigration and Labor.

By Mr. Gill:

H. B. 340. An act to amend article 11, section 43 of an act entitled, "An act for the government of towns of the sixth class," approved May 6, 1893, being section 3710, subdivision 9, article 7, chapter 89 of Kentucky Statutes.

Referred to the Committee on Municipalities.

By Mr. S. Atwood Smith:

H. B. 341. An act to amend and re-enact an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, and to repeal section 76 of said act.

Referred to the Committee on Municipalities.

By Mr. Hickman:

H. B. 342. An act amendatory of an act relating to road overseers.

Referred to Committee on Internal Improvements.

By Mr. Pieratt:

H. B. 343. An act to amend an act approved July 1, 1893, incorporating towns of the sixth class in this Commonwealth.

Referred to the Committee on Municipalities.

By Mr Freeman:

H. B. 344. An act relating to public graded schools organized and existing under special charters, extending the powers of the board of education of such schools and authorizing

said boards to issue and sell bonds for the building, repairing, adding to or furnishing school houses.

Referred to the Committee on Education.

By Mr. Perkins:

H. B. 345. An act to amend section 39 of chapter 5 of an act to provide an efficient system of common schools throughout the State.

Referred to the Committee on Education.

By same:

H. A. 346. An act to legalize the election of officers in certain cities of this Commonwealth.

Referred to the Committee on Kentucky Statutes.

By Mr. Stuart:

H. B. 347. An act regulating fraternal societies carrying on life insurance business in the State of Kentucky.

Referred to the Committee on Insurance.

By Mr. Trimble:

H. B. 348. An act giving effect to so much of section 199 of the Constitution of the Commonwealth of Kentucky as provides for the right to construct and maintain lines of telegraph in this State.

Referred to the Committee on Corporate Institutions.

By Mr. Small:

H. B. 349. An act to amend an act entitled, "An act for the government of cities of the third class," approved June 14, 1893.

Referred to the Committee on Municipalities.

By Mr. Trimble:

H. B. 350. An act for the benefit of the State Normal School for Colored Persons.

Referred to the Committee on Education.

By Mr. Haswell:

H. B. 351. An act to ammend and re-enact section 23, article 1, of chapter 94, of the General Statutes, being section 4306 of the Kentucky Statutes.

Referred to the Committee on Internal Improvements.

A message was received from the Senate, announcing that they had passed bills originating in that body, of the following titles, viz:

S. B. 35. An act for the benefit of farm laborers.

Referred to the Committee on Agriculture and Manufactures.

S. B. 55. An act to amend section 39, subdivision 5, article 3, chapter 132, of the acts of 1891-2-3, approved April 10, 1893.

Referred to the Committee on Criminal Law.

Mr. Traver, from the Committee on Agriculture and Manufactures, to which the same had been recommitted, reported:

H. B. 125. An act to regulate the analysis of fertilizers within this Commonwealth.

With a substitute proposed therefor by the committee.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- Section 1. That chapter —, of the acts of the Commonwealth of Kentucky, be, and the same is hereby amended by adding to, and striking out, and re-enacted, so as to read as follows:

Section 1. In each year, before any person or company shall sell, offer or expose for sale in this State, any commercial fertilizer, said person or company shall furnish to the Di-



rector of the Agricultural Experiment Station of the Agricultural and Mechanical College of Kentucky, which station is hereby recognized as the "Kentucky Agricultural Experiment Station," a sealed quantity of such commercial fertilizer, not less than one pound, sufficient for analysis, accompanied by an affidavit that the sample so furnished is a fair and true sample of a commercial fertilizer which the said person or company desires to sell in this State, and said affidavit shall also state the name and address of the manufacturer, the name of the fertilizer, the number of net pounds in each package, and the minimum percentages of the essential ingredients guaranteed in said fertilizer, in such form and manner as may be prescribed by said director.

Sec. 2. The director of said experiment station, upon receipt or affidavit and sample, as provided for in section 1, and upon receipt of the fees hereinafter provided, shall issue to said person or company, a sufficient number of labels to tag not less than twenty tons of said fertilizer, on which label shall be printed the name and address of the manufacturer, the name of the fertilizer, the number of net pounds in each package, and the minimum percentage composition in terms approved by the said director, as certified to in an affidavit furnished by said person or company, together with a certificate from the director, over his fac-simile signature, authorizing the sale of such package according to the provisions of this act.

Sec. 3. Every bag or other package or quantity of any commercial fertilizer, in any shape or form whatever, sold or offered for sale in this State, shall have attached to it, in a conspicuous place, a label, as provided in section 2.

Sec. 4. Any manufacturer or vender of any commercial fertilizer, or any person or company who shall sell, offer or expose for sale, any fertilizer without having previously complied with the provisions of this act, shall be fined not less than one hundred nor more than five hundred dollars for each violation or evasion of this act.

Sec. 5. The director shall receive for the labels described in section 3 of this act, fifty cents for such number as may be required for one ton of fertilizer; Provided, That he may not furnish, at any one time, a less quantity than is sufficient for ten tons of fertilizer.

Sec. 6. The director of said Kentucky Agricultural Experiment Station shall pay all such fees received by him into the treasury of the Kentucky Agricultural Experiment Station, the authorities of which shall expend the same in meeting the legitimate expenses of the station, and for inspecting and making analyses of fertilizers, in experimental work and purchases as shall inure to the benefit of the farmers of this Commonwealth. The director, shall, within two months of the biennial meeting of the General Assembly, present to the Commissioner of Agriculture, a report of the work done by him, together with an itemized statement of receipts and expenditures for the two years preceding, under the operations of this act.

Sec. 7. The director of said experiment station is hereby authorized, in person or by deputy, to take samples for analysis from any bag or other package or quantity of any commercial fertilizer in the possession of any dealer or transportation company in this State; to enforce the provisions of this act, and to make and enforce such rules and regulations as he may deem necessary to carry fully into effect the true intent and meaning of this act.

Sec. 8. Any person not a dealer in or agent for the sale of any fertilizer who may purchase any commercial fertilizer in this State for his own use and not for sale, may take a sample of the same for analysis, which analysis shall be made by the said experiment station free of charge. Such sample for free analysis shall be taken by the purchaser in presence of the person, company, or agent selling the fertilizer, from at least ten per cent. of the sacks or other packages comprising the whole lot purchased, and shall be thoroughly mixed, and at least one

pound of the material after mixing must be put into a jar or can, securely sealed and marked in such a way as to surely identify the sample and show by whom it was sent, without giving the name of the fertilizer or the person from whom it was purchased, and must be forwarded to the director of the Kentucky Agricultural Experiment Station, Lexington, Kentucky. The purchaser shall also send with the sample a certificate signed by himself and witness, or by two witnesses, stating that the sender has purchased the fertilizer for his own use and not for sale, and that the sample was taken in the manner prescribed in this section; Provided, however, That if the person, company or agent shall refuse to witness the taking of the sample, then the sample may be taken at the time of the purchase in the manner already described in the presence of two witnesses who shall certify to the manner of taking the sample. The purchaser shall preserve the official label from one of the bags or other packages sampled, to be sent to the director after having received the report of the analysis of the sample, and at the same time he shall furnish to the director the name and address of the firm of whom the fertilizer was purchased and the amount purchased, and any person having sent a sample for free analysis under the provisions of this section, who shall, after having received the report of analysis of the same, refuse to furnish the required information shall thereafter forfeit the privilege of free analysis of fertilizers under this section. But if any sample shall have been submitted for free analysis without all the requirements of this section having been complied with, the director shall inquire into the case and may accept the sample for free analysis if he believe that it is a fair sample of the fertilizer as it was delivered to the purchaser.

Sec. 9. The label attached according to section 2, to any bag or package of commercial fertilizer sold, offered, or exposed for sale in this State shall be accepted as the guarantee of the manufacturer, dealer, or agent, that the fertilizer contains the kinds and amounts of essential ingredients printed on the tag;

and any person fraudulently attaching or permitting to be attached to any package of fertilizer a fraudulent or counterfeit label, a genuine label used a second time or a label representing it to contain a larger percentage of any one or more of the essential ingredients than is actually found by analysis to be contained in the said fertilizer may be fined as provided in section 4 of this act, and shall also be liable for reasonable damages sustained by the purchaser of such fertilizer; Provided, however, That a deficiency of one-fourth of one per cent. in any of the essential ingredients shall not be considered evidence of fraudulent intent.

Sec. 10. The director of said experiment station shall annually analyze or cause to be analyzed at least one sample of every fertilizer sold or offered for sale under the provisions of this act; and he shall publish in one or more bulletins the analyses made during the year, together with the relative commercial value of each fertilizer computed from his analysis as he may determine, and the analysis guaranteed by the manufacturer.

Sec. 11. To facilitate the inspection of fertilizers the director is authorized to require all manufacturers making shipments into or within this State to notify him of the kinds, amounts, dates, destinations and the consignee of all such shipments.

Sec. 12. If the director of said experiment station shall believe that any fertilizer offered for sale in this State is of no practical manurial value, he shall refuse to furnish any labels to be placed on such fertilizer.

Sec. 13. All acts or parts of acts in conflict with this act are hereby repealed.

Whereas, The time is near at hand for the purchase of fertilizer for the spring crops, and as the agriculturists are anxious to test the analysis of their fertilizers, therefore, an emergency is hereby declared to exist, so this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Jeffries,	V. Perkins,
B. W. Bradburn,	J. H. Lackey,	A. B. Pieratt,
George H. Bishop,	D. D. Lykins,	L. C. Rawlings,
A. Bertram,	Joseph F. Laufer,	W. H. Ragland,
Reuben Conner,	John M. Letterle,	R. E. Richardson,
A. H. Charlton,	J. M. Lee,	E. H. Read,
W. W. Combs,	J. R. Mallory,	J. S. Robey,
T. W. Clark,	J. D. Mocquot,	S. Atwood Smith,
W. T. Chilton,	Reuben Morris,	F. G. Shepherd,
W. H. Cooke,	J. R. Mount,	J. A. Small,
J. C. Cantrill,	J. J. Marquette,	Andrew Sargent,
J. E. Cahill,	W. J. Mears,	O. P. Searcy,
J. Morgan Chinn,	R. C. Myers,	Miles Spurlock,
A. S. Denton,	Noah Marsee,	G. B. Stout,
Claude Desha,	John M. Moore,	Ham. Shehan,
J. B. Depp,	W. H. McKee,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	A. J. Thompson,
W. W. Gill,	J. Mc. Meloan,	Frank M. Tracy,
W. C. Holland,	M. F. North,	South Trimble,
J. A. Humphreys,	Chas. Aaron Nelson,	George Traver,
W. C. G. Hobbs,	Emmett Orr,	H. S. Vanzant,
John T. Hinton,	Chas. F. Ogden,	L. E. Weatherford,
J. P. Haswell, Jr.,	Michael O'Sullivan,	C. A. Wilson,
W. B. Henderson,	L. J. Owen,	R. E. Watkins,
G. W. Hickman,	E. Petty,	R. C. Walker,
J. A. Ingram,	W. C. Pike,	J. D. Wills—78.

Those who voted in the negative were:

J. S. Hood, J. H. Hall—2.

Resolved, That said bill do pass, and that the title thereof be as follows:

An act regulating the sale of fertilizers in this Commonwealth.

Mr. Henderson moved the adoption of the following resolution, viz:

Whereas, One-half of the present session has expired and there is a great accumulation of unfinished business; and,

Whereas, Many measures of much importance are now pending that require a deliberate consideration; be it

Resolved, That this House do hold at least three evening sessions each week, beginning at 7:30 P. M., and continuing in session until a majority see fit to adjourn.

Ordered that said resolution be referred to the Committee on Rules.

Mr. Charlton moved the adoption of the following resolution, viz:

Resolved, That the Speaker of this House appoint a committee of three to call on the Auditor to inquire why he refuses to make the report requested.

Said committee will report their information to this House as soon as practicable.

(This refers to a resolution passed several days ago relating to insurance laws.)

Ordered that said resolution be referred to the Committee on Insurance.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been referred, reported bills as follows, viz:

S. B. 34. An act to protect unoccupied houses.

H. B. 186. An act [to amend section 1853 of article 2 of chapter 52 of Kentucky Statutes, "Fiscal Courts."

With a substitute proposed by the committee for the last named bill.

Said bills were severally read the first time in full, ordered to be printed, placed in the orders of the day, and read the second time on some other day.

The House took up the consideration of the special order of the day, viz:

H. B. 212. An act entitled "An act to make gold and silver coin of the United States legal tender in the payment of all debts, and to prohibit the making of contract for the payment of money in any other currency than the general legal tender of the United States."

Ordered that said bill be placed in the orders of the day.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been recommitted, reported:

H. B. 20. An act to amend section 969, subdivision 2, article 2, chapter 35, Kentucky Statutes.

With a substitute proposed therefor by the committee.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1, article 7, chapter 28 of the General Statutes of Kentucky and all amendments thereto, being incorporated in, and now constituting section 969, article 2, subdivision 2, chapter 35, of the Kentucky Statutes, be, and the same is amended as follows: by striking out the word "eight" after the word "service" in the first line of said section and adding in lieu thereof the word "five," and by adding to the end of said section the words: "Provided, That all amounts paid special judges under the provision of this section shall be deducted from the sal-

ary of the regular judge, except in cases where the regular judge has been disqualified, or can not properly preside, by reason of sickness or relationship, or when he has been removed by an affidavit filed by either party to an action, proceeding or prosecution, stating that the judge will not afford him a fair and impartial trial, or will not impartially decide an application for a change of venue;" so that said section as amended, and which is hereby re-enacted, shall read :

"He shall be paid for his services five dollars per day, but a special judge shall not be paid for any services as such unless he is engaged at least one day, nor unless the period of his services be certified by an order made by the regular judge from his own knowledge or from proof heard in open court;

"Provided, That all amounts paid special judges under the provision of this section shall be deducted from the salary of the regular judge, except in cases where the regular judge has been disqualified, or can not properly preside, by reason of sickness or relationship, or when he has been removed by an affidavit filed by either party to an action, proceeding or prosecution, stating that the judge will not afford him a fair and impartial trial or will not decide an application for a change of venue."

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. For the reason that a great amount of money is being paid special judges in this Commonwealth, an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Jeffries,	A. B. Pieratt,
B. W. Bradburn,	J. H. Lackey,	L. C. Rawlings,
George H. Bishop,	D. D. Lykins,	W. H. Ragland,



A. Bertram,	Joseph F. Laufer,	R. E. Richardson,
Reuben Conner,	John M. Letterle,	E. H. Read,
A. H. Charlton,	J. M. Lee,	J. S. Robey,
W. W. Combs,	J. R. Mallory,	S. Atwood Smith,
T. W. Clark,	Reuben Morris,	G. Weissinger Smith,
W. T. Chilton,	J. R. Mount,	F. G. Shepherd,
W. H. Cooke,	J. J. Marquette,	J. A. Small,
J. C. Cantrill,	W. J. Mears,	Andrew Sargent,
J. E. Cahill,	R. C. Myers,	O. P. Searcy,
J. Morgan Chinn,	Noah Marsee,	Miles Spurlock,
A. S. Denton,	John M. Moore,	G. B. Stout,
Claude Desha,	W. H. McKee,	Ham. Shehan,
J. B. Depp,	J. H. Minor,	B. F. Saunders,
M. T. Freeman,	W. A. Morris,	A. J. Thompson,
W. W. Gill,	J. Mc. Meloan,	Frank M. Tracy,
W. C. Holland,	M. F. North,	South Trimble,
J. S. Hood,	Chas. Aaron Nelson,	George Traver,
J. A. Humphreys,	Chas. F. Ogden,	H. S. Vanzant,
W. C. G. Hobbs,	Michael O'Sullivan,	L. E. Weatherford,
James M. Hall,	L. J. Owen,	C. A. Wilson,
J. H. Hall,	Harry C. Pulliam,	C. B. Wheeler,
J. P. Haswell, Jr.,	E. Petty,	R. E. Watkins,
W. B. Henderson,	W. C. Pike,	R. C. Walker,
G. W. Hickman,	V. Perkins,	J. D. Wills—82.
J. A. Ingram,		

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend section 1, article 7, chapter 28, of the General Statutes of Kentucky, and all the acts amendatory thereto, being section 969, article 2, subdivision 2, chapter 35, of Kentucky Statutes.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been recommitted, reported:

H. B. 129. An act to repeal section 1312 of Kentucky Statutes relating to confession of judgment in penal cases.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 4, article 29, chapter 29, General Statutes, now section 1312 of Kentucky Statutes, be, and the same is hereby repealed.

The yeas and nays being required thereon, by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
B. W. Bradburn,	J. A. Ingram,	L. C. Rawlings,
George H. Bishop,	J. H. Lackey,	W. H. Ragland,
A. Bertram,	Joseph F. Laufer,	R. E. Richardson,
A. H. Charlton,	John M. Letterle,	E. H. Read,
T. W. Clark,	J. M. Lee,	J. S. Robey,
W. T. Chilton,	J. R. Mallory,	G. Weissinger Smith,
W. H. Cooke,	J. D. Mocquot,	F. G. Shepherd,
J. C. Cantrill,	Reuben Morris,	J. A. Small,
J. E. Cahill,	J. R. Mount,	O. P. Searcy,
J. Morgan Chinn,	J. J. Marquette,	Miles Spurlock,
A. S. Denton,	W. J. Mears,	G. B. Stout,
Claude Desha,	W. H. McKee,	Ham. Shehan,
J. B. Depp,	F. May,	B. F. Saunders,
M. T. Freeman,	W. A. Morris,	A. J. Thompson,
W. C. Holland,	Chas. Aaron Nelson,	Frank M. Tracy,
C. W. Haverly,	Chas. F. Ogden,	South Trimble,
J. A. Humphreys,	Michael O'Sullivan,	George Traver,
W. C. G. Hobbs,	L. J. Owen,	C. A. Wilson,
J. H. Hall,	Harry C. Pulliam,	R. E. Watkins,

John T. Hinton,      W. C. Pike,      J. D. Wills—65.  
W. B. Henderson,      V. Perkins,

Those who voted in the negative were:

Reuben Conner,      Noah Marsee,      Andrew Sargent,  
W. W. Combs,      John M. Moore,      H. S. Vanzant,  
W. W. Gill,      J. Mc. Meloan,      L. E. Weatherford,  
J. P. Haswell, Jr.,      M. F. North,      R. C. Walker—14.  
D. D. Lykins,      E. Petty,

Resolved, That said bill do pass and that the title thereof be as follows:

An act to repeal section 4, article 29, chapter 29, General Statutes, now section 1312, Kentucky Statutes, relating to confession of judgment in penal cases.

The hour of 11:40 o'clock having arrived the House took up for consideration the special order for that hour, viz:

H. B. 115. An act to establish a uniform series of text-books to be used in the public schools of this Commonwealth, and to reduce the price thereof.

With the substitute proposed therefor by the Committee on Education.

Said substitute was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor is hereby required within ten days after this act shall take effect, to appoint a commission of seven citizens of this State, who shall be chosen with a special reference to their scholarly and business qualifications, by and with the consent of the Senate. Provided, however, That no more than three members shall belong to the same political party. One member shall be chosen from each appellate district; the Superintendent of Public Instruction shall be

ex-officio chairman of said commission. Said commission shall be known as the "Kentucky School Commission."

Sec. 2. A majority of said commission shall constitute a quorum to transact business, and upon request of the chairman of any three members the chairman shall call said commission together. The term of office of said commission shall be four years unless otherwise provided by law. They shall each receive the sum of five dollars per day and actual traveling expenses while in actual session, said session not to exceed twenty days at any one time.

Sec. 3. Said commission shall, upon the call of the Superintendent of Public Instruction, meet in the city of Frankfort and qualify by taking the oath of office to faithfully perform the duties hereinafter required.

Sec. 4. The Superintendent of Public Instruction shall immediately after the appointment of said commission, advertise in any manner that he deems most advantageous in securing the lowest and best bids from all reliable publishing houses, or author or owner of manuscript in the United States, at which any such publishing house or author or owner of manuscript will furnish any one or more of their standard school textbooks for use in the public schools of this State, for a period of five years, and until otherwise provided by law. They shall require each bid to be accompanied with sample copy of their book or books on which their bid is submitted, and also a deposit of five hundred dollars with the State Auditor to cover all cost and damages arising from failure or refusal to enter into contract in case such bid be accepted by the commission.

Sec. 5. Said commission shall have power to adopt manuscript of books not published for use in the public schools in this State; Provided, The author or owner of said manuscript shall have the same published to conform to a standard of excellence designated by said commission; Provided, however, Said author or owner can publish and deliver their books

at a less cost than that submitted by the reliable publishing houses for books of the same grade.

Sec. 7. If any of said bids or manuscripts be satisfactory to the commission they shall select the cheapest and best course of text-books so offered. Said commission shall require all publishers submitting bids as aforesaid to specify and guarantee three prices: First, the contract price; second, the retail price, which shall not be more than fifteen per cent. above the wholesale price; third, exchange price, and the terms upon which the publishing company or companies will exchange the text-books selected by the commission for such books of different text as are now in actual use in the public schools of the State, to which this act applies. And the commission, upon their acceptance of any one or more of such bids, shall, with the aid of the Attorney-General, enter into a contract or contracts in the name of the State of Kentucky for a period of five years, and until otherwise provided by law, with such publishing company or companies or individuals whose bid or bids shall have been accepted. Said contract or contracts shall fully and clearly set out the terms of agreement, and state the kind and price of books to be furnished. They shall further state the actual price at which the books shall be supplied to dealers and citizens, and the exact terms upon which exchange of new books for old books will be made, and the price for which books will be mailed to purchasers, and owners of book or books adopted by said commission shall select one or more dealers in each county where their book or books shall be sold, and in case of violation of agreement, the commission may revoke the contract at any time. The contract not to take effect until bond in the sum of ten thousand dollars is executed and approved by the commission to insure the faithful performance of the contract or contracts by the publishing company or companies or individuals, given the contract. The bond so taken shall be filed with the Secretary of State, and it shall be a part of the terms and conditions of every contract made in

pursuance of this act, that the State of Kentucky shall not be liable to any contractor in any sum whatsoever; but that all such contractors shall receive their proceeds and compensation exclusively from the sale of books, as provided in this act. It shall be the duty of any person or corporation or company, who may furnish books for the public schools in accordance with the provisions of this act, to print in large letters on outside of first cover of book or books, supplied by them, the name of the adopted book, and upon the outside of the back cover the price at which said book is furnished under said contract; and it shall be the duty of county school superintendents, school trustees and teachers to see that the books so furnished and bought by pupils for use in the public schools shall bear such imprint. Any person or persons contracting under the provisions of this act, who shall knowingly and willfully charge, receive or collect, or attempt to collect, for any school book or books sold by him or them to any patron or pupil, for use in the public schools, any sum in excess of the price imprinted upon the back of said book or books, shall be guilty of a misdemeanor, and fined not less than ten nor more than one hundred dollars.

Sec. 8. It shall be the duty of the Superintendent of Public Instruction to label and file away all sample copies of the books so furnished which shall be securely kept as a standard of quality and excellence to be maintained in such books during the continuance of said contract. It shall be the duty of the Superintendent of Public Instruction as president of said commission, with the assistance of the Attorney-General, to see that all of the provisions of said contract or contracts are carried out. The Superintendent of Public Instruction may at any time reconvene said commission when, in his judgment, an emergency exists requiring such a meeting for fully carrying out the provisions of this act.

Sec. 9. In case of a vacancy by death, resignation or otherwise in said commission such vacancy shall be filled by the

Governor within ten days from the time he receives notice thereof. Such appointment to be confirmed by the Senate.

Sec. 10. From and after the first day of September, 1898, and until otherwise provided by law, no text-book except those contracted for by said commission shall be sold for use in the public schools of Kentucky, and from and after the first day of September, 1899, and until otherwise provided by law, no text-books except those contracted for by said commission shall be used or taught in public schools in this State.

Sec. 11. Any school trustee or board of school trustees, who shall permit any other text-book or books in the same branches and of the same grade as those hereinbefore provided for to be used in any public school after the date hereinbefore specified in section 10, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than twenty-five dollars; Provided, That nothing herein contained shall be construed to prevent the teachers and pupils of this State from using any school text-book other than those provided for in this act as reference books in such schools; and, Provided, further, That nothing herein contained shall be construed to apply to the use of school books in branches other than those mentioned in this act.

Sec. 12. Should the bids for furnishing said books or any part thereof, be rejected by said commission, then they shall be empowered, and are hereby directed to advertise for other bids and enter into other contracts, as provided for in this act.

Sec. 13. The commission shall not contract with any book company at a retail price greater than the following:

For a spelling book, ten cents; for a first reader, ten cents; for a second reader, twenty cents; for a third reader, thirty cents; for a fourth reader, forty cents; for a fifth reader, fifty cents; for an arithmetic, intermediate, twenty-five cents; for a mental arithmetic, twenty cents; for a practical arithmetic, forty cents; for a geography, elementary, forty cents; for a

geography, complete, eighty-five cents; for an English grammar, elementary, twenty-five cents; for an English grammar, complete, forty-five cents; for a physiology and hygiene, forty-five cents; for a primary United States history, forty cents; for a United States history, seventy-five cents; for an English composition, twenty-five cents; for language lessons, part first, fifteen cents; language lessons, part second, twenty cents; for a civil government, forty-five cents; for the history of Kentucky, forty cents.

Sec. 14. Each member composing said commission shall be subject to indictment in any circuit court having jurisdiction in this Commonwealth for the violation of any of the provisions as set out in this act, and fined in a sum not less than five hundred dollars or more than three thousand dollars, and upon conviction shall forfeit his office.

Sec. 15. The Auditor of the State is hereby authorized to draw his warrant upon the Treasurer for all necessary expenses for advertising, postage, per diem and actual travelling expenses of each member of said commission, going to and returning from their place of meeting, upon a voucher signed by a majority of said commission.

Sec. 16. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. Watkins moved to amend said substitute by adding as section 17: "The provisions of this act shall not apply to cities which have their own free schools system unless they accept and adopt same."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Watkins and Small, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	Chas. F. Ogden,
B. W. Bradburn,	D. D. Lykins,	E. H. Read,



George H. Bishop,	Joseph F. Laufer,	G. Weissinger Smith,
Reuben Conner,	John M. Letterle,	J. A. Small,
A. H. Charlton,	J. D. Mocquot,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	Frank M. Tracy,
W. C. G. Hobbs,	R. C. Myers,	H. S. Vanzant,
John T. Hinton,	Noah Marsee,	R. E. Watkins—26.
J. P. Haswell, Jr.,	F. May,	

Those who voted in the negative were:

T. H. Armstrong,	W. B. Henderson,	V. Perkins,
A. Bertram,	G. W. Hickman,	A. B. Pieratt,
W. W. Combs,	J. H. Lackey,	L. C. Rawlings,
T. W. Clark,	J. M. Lee,	W. H. Ragland,
W. T. Chilton,	J. R. Mallory,	R. E. Richardson,
W. H. Cooke,	J. R. Mount,	J. S. Robey,
J. C. Cantrill,	J. J. Marquette,	F. G. Shepherd,
J. E. Cahill,	W. J. Mears,	O. P. Searcy,
J. Morgan Chinn,	John M. Moore,	Miles Spurlock,
A. S. Denton,	W. H. McKee,	G. B. Stout,
Claude Desha,	W. A. Morris,	Ham. Shehan,
J. B. Depp,	J. Mc. Meloan,	B. F. Saunders,
M. T. Freeman,	M. F. North,	A. J. Thompson,
W. W. Gill,	Chas. Aaron Nelson,	South Trimble,
W. C. Holland,	Emmett Orr,	George Traver,
C. W. Haverly,	Michael O'Sullivan,	L. E. Weatherford,
J. A. Humphreys,	L. J. Owen,	C. A. Wilson,
James M. Hall,	E. Petty,	R. C. Walker,
J. H. Hall,	W. C. Pike,	J. D. Wills—57.

Mr. Hobbs moved to amend said substitute by adding: "The provisions of this act shall not apply to cities of the second class."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Hobbs and Tracy were as follows:

## Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	F. May.
B. W. Bradburn,	J. P. Jeffries,	Chas. F. Ogden,
Geo. H. Bishop,	D. D. Lykins,	E. H. Read,
Reuben Conner,	Joseph F. Laufer,	G. Weissinger Smith,
A. H. Charlton,	John M. Letterle,	J. A. Small,
J. S. Hood,	J. D. Mocquot,	Andrew Sargent,
W. C. G. Hobbs,	Reuben Morris,	Frank M. Tracy,
J. H. Hall,	R. C. Myers,	H. S. Vanzant,
John T. Hinton,	Noah Marsee,	R. E. Watkins—27.

## Those who voted in the negative were:

A. Bertram,	J. H. Lackey,	A. B. Pieratt,
W. W. Combs,	J. M. Lee,	L. C. Rawlings,
T. W. Clark,	J. R. Mallory,	W. H. Ragland,
W. T. Chilton,	J. R. Mount,	R. E. Richardson,
W. H. Cooke,	J. J. Marquette,	J. S. Robey,
J. C. Cantrill,	W. J. Mears,	S. Atwood Smith,
J. E. Cahill,	John M. Moore,	F. G. Shepherd,
J. Morgan Chinn,	W. H. McKee,	O. P. Searcy,
A. S. Denton,	W. A. Morris,	Miles Spurlock,
Claude Desha,	J. Mc. Meloan,	G. B. Stout,
J. B. Depp,	M. F. North,	Ham. Shehan,
M. T. Freeman,	Chas. Aaron Nelson,	B. F. Saunders,
W. W. Gill,	Emmett Orr,	A. J. Thompson,
W. C. Holland,	Michael O'Sullivan,	South Trimble,
C. W. Haverly,	L. J. Owen,	George Traver,
J. A. Humphreys,	E. Petty,	L. E. Weatherford,
W. B. Henderson,	W. C. Pike,	R. C. Walker,
G. W. Hickman,	V. Perkins,	J. D. Wills—54.

Mr. Sargent moved to amend said substitute by adding the following section:

"This act shall not apply to public schools which are located in cities of the fourth class."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Haswell and Wills were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	F. May,
B. W. Bradburn,	J. P. Jeffries,	Chas. F. Ogden,
Reuben Conner,	D. D. Lykins,	E. H. Read,
A. H. Charlton,	Joseph F. Laufer,	G. Weissinger Smith,
M. T. Freeman,	John M. Letterle,	J. A. Small,
C. W. Haverly,	J. D. Mocquot,	Andrew Sargent,
W. C. G. Hobbs,	Reuben Morris,	Frank M. Tracy,
J. H. Hall,	R. C. Myers,	H. S. Vanzant—26.
John T. Hinton,	Noah Marsee,	

Those who voted in the negative were:

T. H. Armstrong,	J. M. Lee,	L. C. Rawlings,
A. Bertram,	J. R. Mallory,	W. H. Ragland,
W. W. Combs,	J. R. Mount,	R. E. Richardson,
T. W. Clark,	J. J. Marquette,	J. S. Robey,
W. T. Chilton,	W. J. Mears,	S. Atwood Smith,
W. H. Cooke,	John M. Moore,	F. G. Shepherd,
J. C. Cantrill,	W. H. McKee,	O. P. Searcy,
J. E. Cahill,	W. A. Morris,	Miles Spurlock,
J. Morgan Chinn,	J. Mc. Méloan,	G. B. Stout,
A. S. Denton,	M. F. North,	Ham. Shehan,
Claude Desha,	Chas. Aaron Nelson,	B. F. Saunders,
J. B. Depp,	Emmett Orr,	A. J. Thompson,
W. W. Gill,	Michael O'Sullivan,	George Traver,
W. C. Holland,	L. J. Owen,	L. E. Weatherford,
J. A. Humphreys,	E. Petty,	C. A. Wilson,
W. B. Henderson,	W. C. Pike,	R. C. Walker,
G. W. Hickman,	V. Perkins,	J. D. Wills—53.
J. H. Lackey,	A. B. Pieratt,	

Mr. Bradburn moved to amend said bill as follows: "The provisions of this act shall not apply to cities of the third class in this Commonwealth."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Mocquot and Trimble were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	F. May,
B. W. Bradburn,	J. P. Jeffries,	J. H. Minor,
George H. Bishop,	D. D. Lykins,	Chas. F. Ogden,
Reuben Conner,	Joseph F. Laufer,	E. H. Read,
A. H. Charlton,	John M. Letterle,	G. Weissenger Smith,
M. T. Freeman,	J. D. Mocquot,	J. A. Small,
C. W. Haverly,	Reuben Morris,	Frank M. Tracy,
W. C. G. Hobbs,	R. C. Myers,	H. S. Vanzant,
J. H. Hall,	Noah Marsee,	R. E. Watkins—28.
John T. Hinton,		

Those who voted in the negative were:

T. H. Armstrong,	J. M. Lee,	W. H. Ragland,
A. Bertram,	J. R. Mallory,	R. E. Richardson,
W. W. Combs,	J. R. Mount,	J. S. Robey,
T. W. Clark,	J. J. Marquette,	S. Atwood Smith,
W. T. Chilton,	W. J. Mears,	F. G. Shepherd,
W. H. Cooke,	John M. Moore,	O. P. Searcy,
J. C. Cantrill,	W. H. McKee,	Miles Spurlock,
J. E. Cahill,	W. A. Morris,	G. B. Stout,
J. Morgan Chinn,	J. Mc. Meloan,	Ham. Shehan,
A. S. Denton,	M. F. North,	B. F. Saunders,
Claude Desha,	Chas. Aaron Nelson,	A. J. Thompson,
J. B. Depp,	Emmett Orr,	South Trimble,
W. W. Gill,	Michael O'Sullivan,	George Traver,
W. C. Holland,	L. J. Owen,	L. E. Weatherford,

J. A. Humphreys,	E. Petty,	C. A. Wilson,
W. B. Henderson,	W. C. Pike,	R. C. Walker,
G. W. Hickman,	V. Perkins,	J. D. Wills—53.
J. H. Lackey,	A. B. Pieratt,	

Mr. Humphreys moved to amend said substitute as follows,  
viz:

Sec. 2. After the word "said," in fourth line: "First commission shall be until their successors are appointed by the Governor to be elected in 1899, and thereafter for four years."

Also to amend by adding to same section the following: "And the aggregate number of days they are in session during any one year shall not exceed sixty days."

Sec. 4. In second line after the word "advertise," "within this Commonwealth."

By striking out all of section 5.

Sec. 13. In fourth line after word "render," strike out "twenty," insert "fifteen." In line eight, after word "complete," strike out "eighty-five," and insert "seventy-five."

Said amendment was rejected.

Mr. Freeman moved to amend said substitute as follows,  
viz:

"Sec. 13. The commission shall not contract with any book company at prices greater than seventy per cent. of the present contract prices of text-books as shown by bonds of companies now doing business in this State, and as now adopted and in use in the schools in respective cities and counties of the State. The text-books shall not be sold to parents, pupils, or guardians of the State by retail dealers at prices exceeding eighty per cent. of the prices aforesaid."

The yeas and nays being demanded thereon by Messrs. Freeman and Hinton were as follows, viz:

## Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	F. May,
George H. Bishop,	J. P. Jeffries,	J. H. Minor,
Reuben Conner,	D. D. Lykins,	Chas. F. Ogden,
A. H. Charlton,	J. M. Letterle,	E. H. Read,
M. T. Freeman,	J. D. Mocquot,	J. A. Small,
C. W. Haverly,	Reuben Morris,	Frank M. Tracy,
W. C. G. Hobbs,	R. C. Myers,	H. S. Vanzant—23.
John T. Hinton,	Noah Marsee,	

## Those who voted in the negative were:

T. H. Armstrong,	J. H. Lackey,	L. C. Rawlings,
B. W. Bradburn,	Joseph F. Laufer,	W. H. Ragland,
A. C. Brown,	J. M. Lee,	R. E. Richardson,
A. Bertram,	J. R. Mallory,	J. S. Robey,
W. W. Combs,	J. R. Mount,	S. Atwood Smith,
T. W. Clark,	J. J. Marquette,	G. Weissinger Smith,
W. T. Chilton,	W. J. Mears,	F. G. Shepherd,
W. H. Cooke,	John M. Moore,	O. P. Searcy,
J. C. Cantrill,	W. H. McKee,	Miles Spurlock,
J. E. Cahill,	W. A. Morris,	G. B. Stout,
J. Morgan Chinn,	J. Mc. Meloan,	Ham. Shehan,
John Collins,	M. F. North,	B. F. Saunders,
A. S. Denton,	Chas. Aaron Nelson,	A. J. Thompson,
Claude Desha,	Emmett Orr,	South Trimble,
J. B. Depp,	Michael O'Sullivan,	George Traver,
W. W. Gill,	L. J. Owen,	L. E. Weatherford,
W. C. Holland,	E. Petty,	C. A. Wilson,
J. A. Humphreys,	W. C. Pike,	R. C. Walker,
W. B. Henderson,	V. Perkins,	J. D. Wills—59.
G. W. Hickman,	A. B. Pieratt,	

Mr. Abele moved to amend said substitute by striking out of lines four and five the words, "who shall be chosen with a special reference to their scholarly and business qualification,"

and insert in lieu thereof the words, "who shall be practical educators of at least ten years' experience."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Abele and Chilton, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	D. D. Lykins,	Chas. F. Ogden,
B. W. Bradburn,	Joseph F. Laufer,	Michael O'Sullivan,
George H. Bishop,	John M. Letterle,	E. H. Read,
Reuben Conner,	J. R. Mallory,	G. Weissinger Smith,
A. H. Charlton,	J. D. Mocquot,	J. A. Small,
M. T. Freeman,	Reuben Morris,	Frank M. Tracy,
C. W. Haverly,	R. C. Myers,	H. S. Vanzant,
J. P. Haswell, Jr.,	Noah Marsee,	L. E. Weatherford,
W. B. Henderson,	F. May,	R. E. Watkins—29.
J. P. Jeffries,	J. H. Minor,	

Those who voted in the negative were:

T. H. Armstrong,	J. R. Mount,	W. H. Ragland,
W. W. Combs,	J. J. Marquette,	R. E. Richardson,
T. W. Clark,	W. J. Mears,	J. S. Robey,
W. T. Chilton,	J. M. Moore,	S. Atwood Smith,
W. H. Cooke,	W. H. McKee,	F. G. Shepherd,
J. C. Cantrill,	W. A. Morris,	O. P. Searcy,
J. E. Cahill,	J. Mc. Meloan,	Miles Spurlock,
J. Morgan Chinn,	M. F. North,	G. B. Stout,
A. S. Denton,	Chas. Aaron Nelson,	Ham. Shehan,
Claude Desha,	Emmett Orr,	B. F. Saunders,
J. B. Depp,	L. J. Owen,	A. J. Thompson,
W. W. Gill,	E. Petty,	South Trimble,
W. C. Holland,	W. C. Pike,	George Traver,
G. W. Hickman,	V. Perkins,	C. A. Wilson,
J. H. Lackey,	A. B. Pieratt,	R. C. Walker,
J. M. Lee,	L. C. Rawlings,	J. D. Wills—48.

Mr. Haswell moved to amend said substitute as follows, viz:

"Sec. 17. This act shall not apply to any county unless its provisions are adopted by the county examining board of such county."

Said amendment was rejected.

The yeas and nays being demand thereon by Messrs. Haswell and Vanzant, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Jeffries,	Chas. F. Ogden,
B. W. Bradburn,	John M. Letterle,	E. H. Read,
George H. Bishop,	J. D. Mocquot,	G. Weissinger Smith,
Reuben Conner,	Reuben Morris,	J. A. Small,
M. T. Freeman,	R. C. Myers,	Andrew Sargent,
C. W. Haverly,	Noah Marsee,	Frank M. Tracy,
W. C. G. Hobbs,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	R. E. Watkins—24.

Those who voted in the negative were:

T. H. Armstrong,	Joseph F. Laufer,	W. H. Ragland,
A. C. Brown,	J. M. Lee,	R. E. Richardson,
A. Bertram,	J. M. Mallory,	J. S. Robey,
W. W. Combs,	J. R. Mount,	S. Atwood Smith,
T. W. Clark,	J. J. Marquette,	F. G. Shepherd,
W. T. Chilton,	W. J. Mears,	O. P. Searcy,
W. H. Cooke,	John M. Moore,	Miles Spurlock,
J. C. Cantrill,	W. H. McKee,	G. B. Stout,
J. E. Cahill,	W. A. Morris,	Ham. Shehan,
J. Morgan Chinn,	J. Mc. Meloan,	B. F. Saunders,
A. S. Denton,	M. F. North,	A. J. Thompson,
Claude Desha,	Chas. Aaron Nelson,	South Trimble,
J. B. Depp,	Emmett Orr,	George Travers,
W. W. Gill,	Michael O'Sullivan,	L. E. Weatherford.



W. C. Holland,	E. Petty,	C. A. Wilson,
W. B. Henderson,	W. C. Pike,	R. C. Walker.
G. W. Hickman,	V. Perkins,	J. D. Wills—53.
J. H. Lackey,	A. B. Pieratt,	

Mr. Ogden moved to amend said substitute by adding, after the word "Kentucky," in the fourth line of section 10, the following clause: "Except in the public schools of cities of the first-class;" also by adding after the word "school" in line 7 of section 10, the following clause: "Except in the public schools of cities of the first class."

Said amendment was rejected.

Mr. Cantrill moved the previous question.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Tracy and Hinton, were as follows, viz:

Those who voted in the affirmative were:

T. H. Armstrong,	J. M. Lee,	L. C. Rawlings,
B. W. Bradburn,	J. R. Mount,	W. H. Ragland,
A. Bertram,	J. J. Marquette,	R. E. Richardson,
Reuben Conner,	W. J. Mears,	J. S. Robey,
W. W. Combs,	John M. Moore,	F. G. Shepherd,
T. W. Clark,	W. H. McKee,	O. P. Searcy,
W. T. Chilton,	W. A. Morris,	Miles Spurlock,
J. C. Cantrill,	J. Mc. Meloan,	F. B. Stout,
J. E. Cahill,	M. F. North,	Ham. Shehan,
J. Morgan Chinn,	Chas. Aaron Nelson,	B. F. Saunders,
A. S. Denton,	Emmett Orr,	A. J. Thompson,
Claude Desha,	Michael O'Sullivan,	George Traver,
J. B. Depp,	L. J. Owen,	L. E. Weatherford,
W. W. Gill,	E. Petty,	C. A. Wilson,
W. C. Holland,	W. C. Pike,	R. C. Walker,
W. B. Henderson,	V. Perkins,	J. D. Wills—50.
G. W. Hickman,	A. B. Pieratt,	

## Those who voted in the negative were:

M. Abele,	J. P. Haswell, Jr.,	F. May,
Geo. H. Bishop,	J. P. Jeffries,	J. H. Minor,
A. H. Charlton,	J. H. Lackey,	Chas. F. Ogden,
W. H. Cooke,	D. D. Lykins,	E. H. Read,
M. T. Freeman,	Joseph F. Laufer,	S. Atwood Smith,
C. W. Haverly,	John M. Letterle,	G. Weissinger Smith,
J. S. Hood,	J. R. Mallory,	J. A. Small,
J. A. Humphreys,	J. D. Mocquot,	Andrew Sargent,
W. C. G. Hobbs,	Reuben Morris,	Frank M. Tracy,
James M. Hall,	R. C. Myers,	H. S. Vanzant,
J. H. Hall,	Noah Marsee,	R. E. Watkins—34.
John T. Hinton,		

Said substitute was then adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as amended by said substitute.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

## Those who voted in the affirmative were:

T. H. Armstrong,	J. H. Lackey,	A. B. Pieratt,
B. W. Bradburn,	D. D. Lykins,	L. C. Rawlings,
A. C. Brown,	Joseph F. Laufer,	W. H. Ragland,
George H. Bishop,	J. M. Lee,	R. E. Richardson,
A. Bertram,	J. R. Mallory,	J. S. Robey,
A. H. Charlton,	J. R. Mount,	S. Atwood Smith,
W. W. Combs,	J. J. Marquette,	F. G. Shepherd,
T. W. Clark,	W. J. Mears,	O. P. Searcy,
W. T. Chilton,	R. C. Myers,	Miles Spurlock,
W. H. Cooke,	Noah Marsee,	G. B. Stout,
J. E. Cahill,	John M. Moore,	Ham. Shehan,
J. Morgan Chinn,	W. H. McKee,	B. F. Saunders,

A. S. Denton,	W. A. Morris,	A. J. Thompson,
Claude Desha,	J. Mc. Meloan,	South Trimble,
J. B. Depp,	M. F. North,	George Traver,
W. W. Gill,	Chas. Aaron Nelson,	L. E. Weatherford,
W. C. Holland,	Emmett Orr,	C. A. Wilson,
C. W. Haverly,	Michael O'Sullivan,	R. E. Watkins,
J. A. Humphreys,	E. Petty,	R. C. Walker,
W. B. Henderson,	W. C. Pike,	J. D. Wills—62.
G. W. Hickman,	V. Perkins,	

Those who voted in the negative were:

M. Abele,	John M. Letterle,	G. Weissinger Smith,
Reuben Conner,	Reuben Morris,	Frank M. Tracy,
W. C. G. Hobbs,	Chas. F. Ogden,	C. B. Wheeler—11.
J. P. Jeffries,	E. H. Read,	

The following pairs were announced:

Mr. Owen announced that he was paired with Mr. W. T. Sharp, who, if present, would have voted no, while he would vote yea.

Mr. Mocquot announced that he was paired with Mr. Adkins, who, if present, would vote yea, while he would vote no.

Mr. Cantrill announced that he was paired with Mr. Puliam, who, if present, would vote no, while he would vote yea.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Chinn moved to reconsider the vote by which said bill was passed, and moved to lay that motion on the table.

Said last named motion was adopted.

And then the House adjourned.

## WEDNESDAY, FEBRUARY, 9, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

The House took from the clerk's desk a resolution introduced on yesterday by Mr. Humphreys in regard to exchange of books with other States.

Ordered that said resolution be referred to the Committee on Kentucky Statutes.

Mr. S. Atwood Smith, from the Committee on Municipalities, to which the same had been referred, reported:

H. B. 210. An act to amend an act entitled, "An act for the government of cities of the first class," which act was approved on the first day of July, 1893.

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being demanded thereon by Messrs. Humphreys and Pulliam were as follows, viz:

Those who voted in the affirmative were:

Reuben Conner,	J. R. Mount,	S. Atwood Smith,
T. W. Clark,	J. J. Marquette,	J. A. Small,
W. T. Chilton,	W. J. Mears,	O. P. Searcy,
W. H. Cooke,	John M. Moore,	Miles Spurlock,

J. E. Cahill,	W. H. McKee,	Ham. Shehan,
A. S. Denton,	W. A. Morris,	B. F. Saunders,
J. B. Depp,	Michael O'Sullivan,	A. J. Thompson,
W. W. Gill,	L. J. Owen,	L. E. Weatherford,
W. C. Holland,	E. Petty,	C. A. Wilson,
J. A. Humphreys,	W. C. Pike,	R. E. Watkins,
W. B. Henderson,	V. Perkins,	R. C. Walker,
G. W. Hickman,	L. C. Rawlings,	J. D. Wills,
J. H. Lackey,	R. E. Richardson,	Jas. H. Williams—41.
J. S. Robey,		

Those who voted in the negative were:

M. Abele,	J. A. Ingram,	M. F. North,
B. W. Bradburn,	J. P. Jeffries,	Emmett Orr,
Geo. H. Bishop,	R. C. Jarnagin,	Chas. F. Ogden,
A. Bertram,	D. D. Lykins,	Harry C. Pulliam,
A. H. Charlton,	Joseph F. Laufer,	E. H. Read,
J. Morgan Chinn,	John M. Letterle,	G. Weissinger Smith,
Claude Desha,	J. M. Lee,	F. G. Shepherd,
M. T. Freeman,	J. R. Mallory,	Frank M. Tracy,
C. W. Haverly,	Reuben Morris,	South Trimble,
J. S. Hood,	R. C. Myers,	George Traver,
W. C. G. Hobbs,	F. May,	H. S. Vanzant,
James M. Hall,	J. H. Minor,	C. B. Wheeler—38.
Anderson Hatfield,	J. Mc. Meloan,	

Mr. Armstrong, had he been present, would have voted nay, while Mr. Stout, had he been present would have voted yea.

Mr. Nelson announced that he was paired with Mr. Ragland, who if present would have voted nay, while he would vote yea.

Mr. Pieratt announced that he was paired with Mr. Mocquot, who if present would have voted nay, while he would vote yea.

A message was received from the Senate announcing that they had adopted resolutions and passed a bill of the following titles, viz:

1. S. Res. 6. Resolution providing for a joint committee to formulate and present a reply to the speech delivered in the Senate of the United States by Hon. Wm. Lindsay, with reference to the resolution adopted by the General Assembly asking for his resignation.
2. S. Res. 7. Resolution instructing our Senators and requesting our Representatives in Congress to urge the passage of a law to promote the importation of American leaf tobacco into China and Japan.
3. S. B. 83. An act regulating the manufacture and sale of food.

Ordered that the first and second lie on the table, and the third be referred to the Committee on Judiciary.

Indefinite leave of absence was granted Messrs. Adkins and J. M. Hall.

The hour of 11 o'clock, A. M., having arrived the House took up for consideration the special order for that hour, viz:

H. B. 220. An act to prohibit the granting of license to sell by retail spirituous, vinous, malt liquors and other intoxicating drinks in this State to merchants and druggists outside of incorporated cities and towns.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section. 1. That hereafter it shall be unlawful for the several county judges of this Commonwealth, or any one acting in their stead, to grant a license to any merchant or druggist, outside of an incorporated city or town, to sell by retail any-

where in this Commonwealth spirituous, vinous, malt liquors, or any intoxicating drinks or mixture thereof; Provided, however, This act shall not be construed so as to prohibit druggists in good faith from procuring a license to sell upon prescription of a regularly authorized practicing physician, to be used as a medicine, and not drunk on the premises.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	J. P. Jeffries,	A. B. Pieratt,
A. C. Brown,	R. C. Jarnagin,	L. C. Rawlings,
A. Bertram,	J. H. Lackey,	R. E. Richardson,
Reuben Conner,	J. R. Mallory,	E. H. Read,
W. T. Chilton,	J. R. Mount,	J. S. Robey,
W. H. Cooke,	J. J. Marquette,	G. Weissenger Smith,
J. E. Cahill,	W. J. Mears,	O. P. Searcy,
J. B. Depp,	John M. Moore,	Miles Spurlock,
W. W. Gill,	J. H. Minor,	Ham. Shehan,
W. C. Holland,	W. A. Morris,	B. F. Saunders,
C. W. Haverly,	M. F. North,	South Trimble,
J. S. Hood,	Chas. Aaron Nelson,	L. E. Weatherford,
W. B. Henderson,	Chas. P. Ogden,	R. E. Watkins—28.
G. W. Hickman,	E. Petty,	R. C. Walker,
Anderson Hatfield,	W. C. Pike,	Jas. H. Williams—47.
J. A. Ingram,	V. Perkins,	

Those who voted in the negative were:

M. Abele,	John M. Letterle,	F. G. Shepherd,
George H. Bishop,	J. M. Lee,	J. A. Small,
A. H. Charlton,	Reuben Morris,	A. J. Thompson,
A. S. Denton,	R. C. Myers,	Frank M. Tracy,

Claude Desha,	W. H. McKee,	George Traver,
M. T. Freeman,	F. May,	H. S. Vanzant,
J. A. Humphreys,	Michael O'Sullivan,	C. B. Wheeler,
James M. Hall,	Harry C. Pulliam,	J. D. Wills—25.
D. D. Lykins,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The hour of 11:30 o'clock A. M. having arrived the House took up for consideration the special order for that hour, viz:

H. B. 40. An act to regulate and reduce the salaries of certain State officials.

With a substitute proposed therefor by the committee.

Said substitute was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section. 1. That on and after the first day of January, 1900. the State officers hereinafter named shall respectively receive an annual salary payable monthly out of the State treasury as follows:

Sec. 2. The Governor shall receive as full compensation the sum of six thousand dollars but in addition thereto he shall have the use of the mansion and any furniture and fixtures therein; also the premises, free of rent, but no additional furniture, lights, fuel, water, ice, or other incidentals at the expense of the State.

Sec. 3. The Adjutant-General eighteen hundred dollars; the assistant Adjutant-General one thousand dollars; and the ordance sergeant six hundred dollars.

Sec. 4. The Attorney-General shall receive four thousand, five hundred dollars.

Sec. 5. The Commonwealth's attorney shall receive a salary of five hundred dollars, and such per centum of all judgments for fines and forfeitures, rendered in favor of the Common-



wealth in the several courts of his district, as is provided for elsewhere by law.

Sec. 6. The Auditor shall receive in full of all compensation three thousand, five hundred dollars and the assistant Auditor, eighteen hundred dollars; the Auditor is further allowed the sum of twelve thousand dollars, or such part thereof as may be actually required, for clerical assistance.

Sec. 7. The Commissioner of Agriculture shall receive a salary of two thousand dollars; and the further sum of one thousand dollars for clerical assistance.

Sec. 8. The Inspector of Mines and Mining shall receive a salary of fifteen hundred dollars and necessary traveling expenses; the assistant inspector shall receive a salary of one thousand dollars.

Sec. 9. The State Inspector and Examiner shall receive a salary of two thousand dollars and necessary traveling expenses.

Sec. 10. The Insurance Commissioner shall receive two thousand, five hundred dollars and the deputy insurance commissioner shall receive eighteen hundred dollars, and the further sum of two thousand dollars is allowed for clerical assistance.

Sec. 11. The judges of the Court of Appeals shall receive five thousand dollars.

Sec. 12. The judges of the circuit courts shall receive a salary of three thousand dollars.

Sec. 13. The State Librarian shall receive a salary of one thousand dollars, and the assistant librarian seventy-five dollars per month.

Sec. 14. The wardens of the penitentiaries shall each receive a salary of two thousand dollars; the deputy wardens one thousand dollars each; the physician one thousand, two hundred dollars; the chaplain one thousand dollars, and the guards fifty dollars per month.

Sec. 15. The Railroad Commissioners, each two thousand dollars and necessary traveling expenses; clerk, twelve hundred dollars.

Sec. 16. The Register of Land Office, eighteen hundred dollars; deputy, one thousand dollars.

Sec. 17. The secretary of the Governor shall receive twelve hundred dollars.

Sec. 18. The Secretary of State shall receive a salary of twenty-five hundred dollars and the assistant Secretary of State shall receive fifteen hundred dollars.

Sec. 19. The Superintendent of Public Instruction shall receive two thousand, five hundred dollars; chief clerk one thousand, five hundred dollars; first clerk one thousand dollars; second clerk shall receive eight hundred and fifty dollars.

Sec. 20. The State Treasurer shall receive three thousand dollars in full of all compensation, and the assistant one thousand, five hundred dollars.

Sec. 21. All acts or parts of acts in conflict with this act are hereby repealed.

Mr. Humphreys moved to amend said substitute as follows, viz:

By adding to section 5 the following: "But no Commonwealth's attorney shall be paid, or receive as compensation for his services as such officer for any one year from the State Treasury more than two thousand dollars, and should the salary and per centum of fines and forfeitures now allowed to such officer in any district for any year exceed said sum, said excess shall not be paid to such officer."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Humphreys and May were as follows, viz:

Those who voted in the affirmative were:

A. C. Brown,                      Reuben Morris,                      L. C. Rawlings,

Reuben Conner,	R. C. Myers,	E. H. Read,
T. W. Clark,	F. May.	George Traver,
W. T. Chilton,	J. H. Minor,	H. S. Vanzant,
J. S. Hood,	Michael O'Sullivan,	L. E. Weatherford,
J. A. Humphreys,	L. J. Owen,	C. B. Wheeler,
J. P. Jeffries,	W. C. Pike,	Jas. H. Williams—22.
J. M. Lee,		

Those who voted in the negative were:

M. Abele,	J. A. Ingram,	V. Perkins,
B. W. Bradburn,	R. C. Jarnagin,	A. B. Pieratt,
George H. Bishop,	J. H. Lackey,	R. E. Richardson,
A. Bertram,	D. D. Lykins,	J. S. Robey,
A. H. Charlton,	Joseph F. Laufer,	S. Atwood Smith,
W. H. Cooke,	John M. Letterle,	G. Weissinger Smith,
J. E. Cahill,	J. R. Mallory,	F. G. Shepherd,
J. Morgan Chinn,	J. R. Mount,	J. A. Small,
A. S. Denton,	J. J. Marquette,	O. P. Searcy,
Claude Desha,	W. J. Mears,	Miles Spurlock,
J. B. Depp,	John M. Moore,	Ham. Shehan,
M. T. Freeman,	W. H. McKee,	B. F. Saunders,
W. W. Gill,	W. A. Morris,	A. J. Thompson,
W. C. Holland,	J. Mc. Meloan,	Frank M. Tracy,
C. W. Haverly,	M. F. North,	South Trimble,
W. C. G. Hobbs,	Chas. Aaron Nelson,	C. A. Wilson,
James M. Hall,	Emmett Orr,	R. E. Watkins,
W. B. Henderson,	Chas. F. Ogden,	R. C. Walker,
G. W. Hickman,	Harry C. Pulliam,	J. D. Wills—59.
Anderson Hatfield,	E. Petty,	

Mr. Vanzant moved to amend section 14 of said substitute by striking out "fifty dollars," and inserting in lieu thereof "sixty dollars."

Said amendment was rejected.

Mr. Pulliam moved to amend said bill by adding as an additional section, viz:

That the Senators and Representatives of the General Assembly shall receive as compensation two dollars per diem for their services and that the mileage allowed said Representatives and Senators be limited to five cents per mile.

The yeas and nays being demanded thereon by Messrs. Pulliam and O'Sullivan were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	F. May,
Reuben Conner,	J. P. Jeffries,	Chas. F. Ogden,
A. H. Charlton,	R. C. Jarnagin,	Harry C. Pulliam,
J. B. Depp,	D. D. Lykins,	A. B. Pieratt,
C. W. Haverly,	Joseph F. Laufer,	L. C. Rawlings,
J. S. Hood,	John M. Letterle,	B. F. Saunders,
J. A. Humphreys,	Reuben Morris,	George Traver,
James M. Hall,	J. J. Marquette,	H. S. Vanzant,
W. B. Henderson,	R. C. Myers,	C. B. Wheeler—27.

Those who voted in the negative were:

B. W. Bradburn,	J. R. Mallory,	J. S. Robey,
A. C. Brown,	J. R. Mount,	S. Atwood Smith,
Geo. H. Bishop,	W. J. Mears,	G. Weissenger Smith,
A. Bertram,	John M. Moore,	F. G. Shepherd,
T. W. Clark,	W. H. McKee,	J. A. Small,
W. T. Chilton,	J. H. Minor,	O. P. Searcy,
W. H. Cooke,	W. A. Morris,	Miles Spurlock,
J. E. Cahill,	J. Mc. Meloan,	Ham. Shehan,
J. Morgan Chiun,	M. F. North,	A. J. Thompson,
A. S. Denton,	Chas. Aaron Nelson,	Frank M. Tracey,
Claude Desha,	Emmett Orr,	South Trimble,
W. W. Gill,	Michael O'Sullivan,	L. E. Weatherford,
C. W. Holland,	L. J. Owen,	C. A. Wilson,
W. C. G. Hobbs,	E. Petty,	R. E. Watkins,
G. W. Hickman,	W. C. Pike,	R. C. Walker,

J. A. Ingram,	V. Perkins,	J. D. Wills,
J. H. Lackey,	R. Richardson,	Jas. H. Wilson—53.
J. M. Lee,	E. H. Read,	

Said substitute was then adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

(See Substitute for House Bill 40, page 456).

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	R. C. Jarnagin,	V. Perkins,
A. C. Brown,	J. H. Lackey,	A. B. Pieratt,
George H. Bishop,	D. D. Dykins,	L. C. Rawlings,
A. Bertram,	J. M. Lee,	R. E. Richardson,
Reuben Conner,	J. R. Mallory,	E. H. Read,
A. H. Charlton,	Reuben Morris,	J. S. Robey,
T. W. Clark,	J. R. Mount,	S. Atwood Smith,
W. T. Chilton,	J. J. Marquette,	F. G. Shepherd,
W. H. Cooke,	W. J. Mears,	J. A. Small,
J. E. Cahill,	R. C. Myers,	O. P. Searcy,
J. Morgan Chinn,	John M. Moore,	Miles Spurlock,
A. S. Denton,	W. H. McKee,	Ham. Shehan,
J. B. Depp,	F. May,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	A. J. Thompson,
W. W. Gill,	W. A. Morris,	Frank M. Tracy,
W. C. Holland,	J. Mc. Meloan,	South Trimble,
C. W. Haverly,	M. F. North,	George Traver,
J. S. Hood,	Chas. Aaron Nelson,	H. S. Vanzant
J. A. Humphreys,	Emmett Orr,	L. E. Weatherford,
W. C. G. Hobbs,	Chas. F. Ogden,	C. A. Wilson,
James M. Hall,	Michael O'Sullivan,	C. B. Wheeler,
W. B. Henderson,	L. J. Owen,	R. E. Watkins,

G. W. Hickman,	Harry C. Pulliam,	R. C. Walker,
Anderson Hatfield,	E. Petty,	J. D. Wills,
J. A. Ingram,	W. C. Pike,	Jas. H. Williams-76.
J. P. Jeffries,		

Those who voted in the negative were:

M. Abele,	John M. Letterle,	G. Weissinger Smith-4.
Claude Desha,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

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THURSDAY, FEBRUARY 10, 1898.

The House was opened with prayer by Elder George Darsie, of the Christian church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Pieratt moved to withdraw from the Committee on Claims, and refer same to the Committee on Revenue and Taxation:

H. B. 326. An act for the benefit of ex-sheriffs of this Commonwealth.

Said motion was adopted.

Mr. Hobbs, from the Committee on Rules, to which the same had been referred, reported:

Resolution providing for evening sessions three days each week.

With the expression of opinion that it should not be adopted.

Said resolution was rejected.

Mr. Small, moved to withdraw from the Committee on Propositions and Grievances and refer same to the Committee on Corporate Institutions:

H. B. 316. An act regulating tolls or rent of telephones.

Said motion was adopted.

The House took from the clerk's desk a resolution read and laid on the table yesterday, inviting Hon. J. B. Foraker, of Ohio, to address the Legislature at some future day.

Mr. Chinn moved to amend said resolution by striking out the name of Senator Foraker and inserting the name of Senator Deboe.

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Chinn and Bradburn, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	Claude Desha,	Ham. Shehan,
A. Bertram,	W. C. G. Hobbs,	George Traver,
W. W. Combs,	R. C. Myers,	H. S. Vanzant,
J. C. Cantrill,	W. H. McKee,	J. D. Wills,
J. Morgan Chinn,	Chas. F. Ogden,	Jas. H. Williams-17.
A. S. Denton,	W. H. Ragland,	

Those who voted in the negative were:

M. Abele,	D. D. Lykins,	W. C. Pike,
A. C. Brown,	Joseph F. Laufer,	V. Perkins,
George H. Bishop,	John M. Letterle,	A. B. Pieratt,
Reuben Conner,	J. M. Lee,	L. C. Rawlings,
A. H. Charlton,	J. R. Mallory,	R. E. Richardson,
T. W. Clark,	Reuben Morris,	E. H. Read,
W. T. Chilton,	J. R. Mount,	J. S. Robey,

W. H. Cooke,	J. J. Marquette,	S. Atwood Smith,
J. E. Cahill,	W. J. Mears,	G. Weissinger Smith,
J. B. Depp,	John M. Moore,	F. G. Shepherd,
M. T. Freeman,	F. May,	J. A. Small,
W. C. Holland,	J. H. Minor,	O. P. Searcy,
C. W. Haverly,	W. A. Morris,	Miles Spurlock,
J. A. Humphreys,	J. Mc. Meloan,	B. F. Saunders,
James M. Hall,	M. F. North,	Frank M. Tracy,
W. B. Henderson,	Chas. Aaron Nelson,	South Trimble,
G. W. Hickman,	Emmett Orr,	L. E. Weatherford,
Anderson Hatfield,	Michael O'Sullivan,	C. A. Wilson,
J. A. Ingram,	L. J. Owen,	R. E. Watkins,
J. H. Lackey,	E. Petty,	R. C. Walker—60.

Said resolution was then adopted.

The House took from the clerk's desk a resolution originating in the Senate, entitled:

S. Res. 6. Resolution providing for a joint committee to formulate and present a reply to the speech delivered in the Senate of the United States by Hon. William Lindsay, with reference to the resolution adopted by this General Assembly asking for his resignation.

Said resolution was twice read and adopted.

The House took from the clerk's desk a resolution originating in the Senate, entitled:

S. Res. 7. Resolution instructing our Senators and requesting our Representatives to urge the passage of a law to promote the importation of American leaf tobacco into China and Japan.

Said resolution was twice read and adopted.

The special order of the day:

H. B. 184. An act to regulate the cost of taking depositions in shorthand.

Ordered that said bill be placed in the orders of the day.



Mr. Tracy, from the Committee on Constitutional Amendments, reported a resolution originated by the committee, entitled:

H. Res. 16. Resolution providing for amendment of the Constitution of Kentucky.

Said resolution was read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Chilton, from the Committee on Claims, to which the same had been referred, reported:

S. Res. 3. Resolution providing for payment of balance of salary of Caswell Bennett to his widow, Mary C. Bennett.

With the expression of opinion that it should not be adopted.

Said resolution was read the first time in full.

Mr. Shepherd moved to recommit said resolution to the Committee on Judiciary.

Said motion was adopted.

The committees to which the same had been referred, reported bills of the following titles, viz:

S. B. 3. An act to amend section 231 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, and being section 3017 of the Kentucky Statutes, and relating to the grading of applicants for license in cities of the first class.

S. B. 18. An act to amend sections 127 and 154 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 287. An act to amend section 2, article 1, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

H. B. 233. An act to amend section 3706, article 7, chapter 89, of Kentucky Statutes, entitled, "Municipal Corporations."

H. B. 206. An act to establish the office of physician to the jail in counties containing a population of one hundred and fifty thousand or more.

H. B. 175. An act to amend section 3119, Kentucky Statutes; said section being section 14, article 5, of an act, entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky."

H. B. 320. An act to change the assignment of the city of Madisonville, Hopkins county, from the fifth class to the fourth class, and to amend and re-enact an act entitled, "An act to assign cities and towns of the Commonwealth to the classes to which they belong."

H. B. 13. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to the classes to which they belong."

H. B. 260. An act providing for the payment of Wilhite Carpenter, H. B. Lyons and J. M. Thomas, for their services as commissioners in building the branch penitentiary at Eddyville by virtue of an act of the General Assembly of Kentucky, approved April 28, 1884.

H. B. 221. An act for the benefit of the pauper idiots and lunatics of the State of Kentucky.

Which bills were severally read the first time in full and ordered to be printed and placed on the calendar, and read the second time on some other day.

Mr. Henderson moved that when this House adjourns this afternoon it adjourns until 7:30 o'clock this evening.

Said motion was adopted.

Mr. Tracy, from the Committee on Constitutional Amendments, to which the same had been referred, reported:

H. Res. 1. Resolution providing for amendment to the Constitution of Kentucky.

With the expression of opinion that it should not be adopted.

Said resolution was read in full the first time.

The question being taken on ordering said resolution to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said resolution was rejected.

Mr. Petty, from the Committee on Public Morals, to which the same had been referred, reported:

H. B. 39. An act entitled, "An act to amend an act entitled 'An act whereby the sense of the people of any county, city town, district or precinct may be taken as to whether spirituous, vinous or malt liquor shall be sold, bartered or loaned therein,'" approved March 10, 1894.

With a substitute proposed therefor by the Committee.

Said bill was read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Orr entered a motion to reconsider the vote by which the House agreed to meet this evening at 7:30 o'clock.

A message was received from the Senate announcing that they had disagreed to:

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice, regulating the competency of witnesses in civil actions and declaring an emergency.

And that they had passed bills of the following titles, viz:

S. B. 58. An act to amend an act to appropriate money to erect monuments at Chicamauga and Chattanooga Park, chapter 24, Laws of Kentucky, approved March 17, 1896.

S. B. 131. An act to suppress book-making and pool-selling in this Commonwealth.

Which bills were referred: The former to the Committee on Kentucky Statutes, and the latter to the Committee on Judiciary.

The House took from the orders of the day bills of the following titles, viz:

H. B. 159. An act creating a bureau of labor, defining its duties, and appropriating money for its maintenance.

H. B. 219. Abolishing the offices of ordnance sergeant and janitor of the Court of Appeals, providing for a custodian of public buildings for the Capitol, its wings, the State arsenal and the Governor's mansion and grounds thereof; defining his duties and fixing his salary.

H. B. 250. An act to empower county judges to post public roads.

H. B. 174. An act to amend an act entitled, "An act to provide free turnpikes and good roads," approved March 17, 1896.

H. B. 183. An act to establish a medical school in connection with the Agricultural and Mechanical College of Kentucky.

H. B. 304. An act to provide for maintaining circuit courts and their offices, and furnishing services and assistance to courts of cities of the second class in this Commonwealth wherein sit circuit courts of continuous session.

S. B. 67. An act to create a board of penitentiary commissioners and regulate the penal institutions of this Commonwealth.

H. B. 264. An act for the more perfect assessment and collection of taxes from railroad companies.

H. B. 200. An act to amend section 1469, of the Kentucky Statutes, and regulating the time within which elections may be held.

H. B. 275. An act in relation to circuit court judges.

H. B. 136. An act to prohibit the sale, barter or loan of

any intoxicating beverage, liquid mixture or decoction in the local option districts of this State, and providing a penalty therefor.

H. B. 267. An act to fix a penalty for selling less than seventy-six pounds of coal for a bushel.

H. B. 188. An act to amend subdivision 8 of article 3, of "An act relating to crimes and punishments," approved April 10, 1893.

S. B. 53. An act to amend section 17, article 2, chapter 221, session acts 1891-2-3, approved June 10, 1893, entitled, "An act relating to courts of justice."

H. B. 201. An act for the protection of laboring men.

H. B. 228. An act to amend an act, approved June 10, 1893, entitled, "An act relating to courts of justice."

H. Res. 2. Resolution providing for amendment to the Constitution.

H. B. 239. An act for the benefit of James T. Burford.

H. B. 5. An act to prohibit the use of cigarettes and to provide the punishment for its violation.

H. B. 82. An act to repeal in part chapter 1069, of the acts of 1867, approved January 22, 1867..

H. B. 36. An act authorizing the employment of convict labor upon public roads, and providing therefor.

H. B. 38. An act to amend section 6, of an act entitled, "An act to provide free turnpikes and good roads," approved March 17, 1896.

S. B. 19. An act to amend and re-enact section 819, of chapter 32, Kentucky Statues, entitled, "Corporations, private; penalty and damages for extortion, discrimination, preference; jurisdiction; duty of commission, limitation," same being section 226, article 5, subdivision 2, of chapter 171, acts of the General Assembly of Kentucky, which became a law April 5, 1893.

H. B. 117. An act to regulate the sale and manufacture of drugs, food and drink and beverage in this State.

H. B. 137. An act prohibiting ball playing on the Sabbath, and providing punishment therefor.

S. B. 17. An act for the benefit of J. E. Robbins, of Graves county.

H. B. 293. An act to amend an act entitled, "An act concerning liens," approved February 25, 1893, by adding thereto section 4a.

H. B. 269. An act to repeal parts of an act entitled, "An act relating to revenue."

H. B. 255. An act in regard to weighing coal by railroad companies.

S. B. 102. An act to amend and re-enact an act entitled, "An act fixing the time and terms of the circuit courts in the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court district.

H. B. 305. An act to provide for the appointment of official stenographic reporters in counties constituting a separate judicial district having a city of the second class.

Which bills were severally read the second time and placed in the orders of the day.

The House took from the orders of the day:

H. B. 63. An act to amend act entitled, "An act to amend the Revenue Laws of the Commonwealth of Kentucky," approved May 17, 1886.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 1, article 6, of an act entitled,

"An act to amend the Revenue Laws of the Commonwealth of Kentucky," approved May 17, 1886, be, and the same is hereby, amended by adding thereto the following provision, to-wit:

"The assessors in counties having a population of more than seventy-five thousand may also appoint a chief deputy, a draughtsman and a transfer clerk, whose duties shall be prescribed by the county assessor, and he may remove them at his pleasure."

Said section, when amended, shall read as follows:

"Any person elected or appointed assessor of taxes at his request, who shall wilfully fail to accept the office and discharge the duties thereof, shall be fined five hundred dollars.

"The assessor may appoint, with the approval of the county court, as many sober, discreet, capable persons, not under the age of twenty-four years, as deputies, to assist him in the discharge of his duties, as he may deem necessary, and may remove them at his pleasure.

"The assessor and his assistants are authorized to administer the oath required to be taken by persons whose property is required to be listed for taxation.

"The assessors in counties having a population of more than seventy-five thousand may also appoint a chief deputy, a draughtsman and a transfer clerk, whose duties shall be prescribed by the county assessor, and he may remove them at his pleasure."

Sec. 2. That as, under the present law, large numbers of property owners are being omitted from the assessment of their property by reason of inadequate facilities afforded the assessors in counties containing a population of seventy-five thousand or over, and as it is to the interest of the taxpayers of the whole State that this state affairs should cease as soon as possible, therefore an emergency is hereby declared to exist, and this act shall take effect from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	L. J. Owen,
B. W. Bradburn,	J. A. Ingram,	W. C. Pike,
A. C. Brown,	J. P. Jeffries,	V. Perkins,
J. L. Brown,	R. C. Jarnagin,	A. B. Pieratt,
George H. Bishop,	J. H. Lackey,	L. C. Rawlings,
A. Bertram,	D. D. Lykins,	W. H. Ragland,
Reuben Conner,	J. M. Lee,	E. H. Read,
A. H. Charlton,	J. R. Mallory,	J. S. Robey,
W. W. Combs,	J. D. Mocquot,	S. Atwood Smith,
T. W. Clark,	Reuben Morris,	G. Weissinger Smith,
W. H. Cooke,	J. R. Mount,	F. G. Shepherd,
J. C. Cantrill,	J. J. Marquette,	J. A. Small,
J. E. Cahill,	W. J. Mears,	O. P. Searcy,
A. S. Denton,	R. C. Myers,	Miles Spurlock,
J. B. Depp,	John M. Moore,	B. F. Saunders,
M. T. Freeman,	W. H. McKee,	A. J. Thompson,
W. C. Holland,	F. May,	George Traver,
C. W. Haverly,	J. H. Minor,	L. E. Weatherford,
J. A. Humphreys,	W. A. Morris,	C. A. Wilson,
James M. Hall,	M. F. North,	C. B. Wheeler,
J. P. Haswell, Jr.,	Chas. Aaron Nelson,	R. E. Watkins,
W. B. Henderson,	Chas. F. Ogden,	R. C. Walker,
G. W. Hickman,	Michael O'Sullivan,	J. H. Williams—69.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 148. An act to amend section 273, Civil Code of Practice, relating to injunctions.

Ordered that said bill be read the third time.



Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 273, Civil Code of Practice, be and the same is hereby amended and re-enacted by striking out the word "county" in line 10 of said section and inserting in lieu thereof the words "judicial district," so that said section as amended and re-enacted will read as follows:

"Sec. 273. The injunction may be granted at the commencement of the action, or at any time before judgment by the court, or by any circuit judge, or by the clerk of the court, or the county judge if the judge of the court be absent from the county, or by two justices of the peace, if the judge and the clerk of the court and the county judge be absent from the county. No injunction shall be granted by any of the foregoing officers, unless it appear from the affidavit of the party applying therefor that it has not been refused by the court; nor shall such injunction be granted by a clerk or county judge or justice unless it appears from such affidavit that it has not been refused by the court or any circuit judge. No injunction or temporary restraining order shall be granted until after the petition seeking the injunction shall be filed. No injunction for temporary restraining order shall be granted by any circuit or other judge of similar jurisdiction in any action pending outside of the circuit or county wherein such judge shall preside, unless it shall appear from the affidavit of the plaintiff that there is no circuit or other judge of similar jurisdiction present at the time in the judicial district where the action is pending."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	M. F. North,
B. W. Bradburn,	G. W. Hickman,	Chas. Aaron Nelson,
J. L. Brown,	Anderson Hatfield,	Michael O'Sullivan,

A. Bertram,	J. A. Ingram,	L. J. Owen,
Reuben Conner,	J. P. Jeffries,	A. B. Pieratt,
A. H. Charlton,	R. C. Jarnagin,	L. C. Rawlings,
W. W. Combs,	J. H. Lackey,	W. H. Ragland,
T. W. Clark,	Joseph F. Laufer,	E. H. Read,
W. H. Cooke,	J. M. Lee,	F. G. Shepherd,
J. C. Cantrill,	J. R. Mallory,	O. P. Searcy,
J. E. Cahill,	J. D. Mocquot,	Miles Spurlock,
J. B. Depp,	Reuben Morris,	B. F. Saunders,
M. T. Freeman,	J. R. Mount,	A. J. Thompson,
W. C. Holland,	J. J. Marquette,	South Trimble,
C. W. Haverly,	W. H. McKee,	L. E. Weatherford,
J. A. Humphreys,	F. May,	C. A. Wilson,
W. C. G. Hobbs,	J. H. Minor,	C. B. Wheeler,
James M. Hall,	W. A. Morris,	R. C. Walker,
J. P. Haswell, Jr.,	J. Mc. Meloan,	Jas. H. Williams-57.

Those who voted in the negative were: none.

Resolved, That said bill do pass and the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 123. An act to amend and re-enact section 189 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, the same being section 2974 of the Kentucky Statutes.

Mr. Cantrill moved to postpone the further consideration of said bill until Tuesday, February 15, at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was adopted.

And then the House adjourned.

## FRIDAY, FEBRUARY 11, 1898.

The House was opened with prayer by Elder George Darsie, of the Christian church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills and resolutions, the following were introduced and referred:

By Mr. Lee:

H. B. 352. An act to amend an act entitled, "An act fixing the time and terms of the circuit courts in the counties composing the judicial districts in this Commonwealth," approved December 22, 1892.

Referred to the Committee on Circuit Courts.

By Mr. Brown:

H. B. 353. An act to prevent the introduction and spread of the San Jose or pernicious scale, an insect affecting trees and plants.

Referred to the Committee on Public Health.

By Mr. Petty:

H. B. 354. An act to amend an act approved May 22, 1893, to provide for assessment of co-operative fire insurance.

Referred to the Committee on Insurance.

By Mr. Pike:

H. B. 355. An act to amend subdivision 6, article 6, chapter 89, for the government of cities of the fifth class.

Referred to the Committee on Municipalities.

By Mr. Desha:

H. B. 356. An act to amend an act approved July 1, 1893,

entitled, "An act for the government of cities of the first class."

Referred to the Committee on Municipalities.

By same:

H. B. 357. An act to protect persons, firms, associations, unions and corporations in their labels, trade marks and forms of advertising, and providing penalties.

Referred to the Committee on Corporate Institutions.

By Mr. Shepherd:

H. B. 358. An act to amend section 40, article 4, of an act relating to cities of the fifth class entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

By same:

H. B. 359. An act to amend section 11, of article 4, of an act entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

Referred to the Committee on Municipalities.

By same:

H. B. 360. An act to amend section 27, article 4, of an act relating to cities of the fifth class entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

Referred to the Committee on Municipalities.

By Mr. Laufer:

H. B. 361. An act to prevent the sale of articles of merchandise at church associations held outside of incorporated cities and towns in this Commonwealth.

Referred to the Committee on Public Morals.

By Mr. Tracy:

H. Res. 18. Joint resolution appropriating money to compensate Edward Hinsley for his service as secretary of the State sinking fund commissioners and ex-officio director of the penitentiary.

Referred to the Committee on Claims.

By Mr. G. Weissinger Smith:

H. B. 362. An act to amend section 48 of an act entitled, "An act relating to courts of justice," approved June 10, 1893.

Referred to the Committee on Court of Appeals.

By Mr. S. A. Smith:

H. B. 363. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Referred to the Committee on Municipalities.

By Mr. Charlton:

H. B. 364. An act creating a hotel, boarding house and restaurant commission in each county, and providing its powers and duties.

Referred to the Committee on Public Health.

By Mr. Cahill:

H. B. 365. An act prescribing duty of owner to cut and prevent thistle dock and mullen from going to seed.

Referred to the Committee on Agriculture and Manufacture.

By Mr. Hickman:

H. B. 366. An act to amend an act entitled, "An act relating to revenue and taxation," which became a law without the approval of the Governor, on November 11, 1892.

Referred to the Committee on Revenue and Taxation.

By Mr. Mount:

H. B. 367. An act to repeal the charter of the town of Bethlehem, in Henry county.

Referred to the Committee on Municipalities.

By same:

H. B. 368. An act changing the name of Carlisle county to William Jennings Bryan county.

Referred to the Committee on Judiciary.

By Mr. Orr:

H. B. 369. An act to amend and re-enact section 60, of an act entitled, "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

Referred to the Committee on Education.

By Mr. Hatfield:

H. B. 370. An act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, of article 6, chapter 103, of acts of 1891-2-3, relating to revenue and taxation, which became a law 1892 without the approval of the governor.

Referred to the Committee on Revenue and Taxation.

By same:

H. B. 371. An act allowing a reward for killing wolves, wild cats, red fox and grey fox in this Commonwealth.

Referred to the Committee on Propositions and Grievances.

By Mr. Freeman:

H. B. 372. An act to amend and re-enact an act entitled, "An act concerning the education of children," which became a law March 25, 1896, without the approval of the Governor.

Referred to the Committee on Education.

By Mr. Saunders:

H. B. 373. An act to amend an act for the benefit of Caseyville and Lindle districts, and authorizing said districts to fund and compromise their indebtedness, approved March 27, 1880.

Referred to the Committee on County and City Courts.

By Mr; Humphreys:

H. B. 374. An act to amend section 27 of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893.

Referred to the Committee on Criminal Law.

By Mr. Wheeler:

H. B. 375. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any

connecting carrier, goods or freight at less freight charges than it charges or receives from other common carrier or persons for same or like service, and to prevent such railroad corporations or common carrier companies from delivering goods or freight to any connecting carrier in violation of the orders and directions of owners and consignees, and prescribing penalties therefor.

Referred to the Committee on Railroads.

By Mr. Trimble:

H. B. 376. An act providing for the enlargement of the present dining-room, kitchen and hospital of the Kentucky penitentiary, at Frankfort.

Referred to the Committee on State Prisons and House of Reform.

By Mr. Laufer:

H. B. 377. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, without the approval of the Governor.

Referred to the Committee on Insurance.

By Mr. Denton:

H. B. 378. An act providing for changes in boundaries of school districts established by local or special laws.

Referred to the Committee on Education.

The Speaker appointed on a committee to invite Senator Foraker, of Ohio, to address the General Assembly on the political issues of the day, Messrs. Vanzant, Owens and Bertram.

A message was received from the Senate, asking to withdraw from the House the amendment of the disagreement by the Senate to:

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Procedure, competency of witnesses in civil actions and declaring an emergency.

Ordered that said bill be returned to the Senate.

That they had passed a bill which originated in the Senate, entitled:

S. B. 57. An act to amend and re-enact chapter 17 of session acts of the General Assembly of the Commonwealth of Kentucky, which became a law May 11, 1897, and to repeal certain designated portions thereof.

Referred to the Committee on Court of Appeals.

Mr. Small moved to withdraw from the Committee on Corporate Institutions and refer the same to Committee on Propositions and Grievances:

H. B. 316. An act regulating tolls or rent of telephones.

Said motion was adopted.

The committee to which the same had been referred, reported bills as follows, viz:

By Mr. Lee, from the Committee on Military Affairs:

H. B. 289. An act to appropriate five hundred dollars, to mark and preserve the graves of the confederate soldiers, who were slain at Perryville, Kentucky.

By Mr. Hickman, from the Committee on Circuit Courts.

H. B. 216. An act to amend and re-enact, section 1107, chapter 35, Kentucky Statutes, being section 81, article 7, subdivision 2 of an act entitled, "An act relating to courts of justice," approved January 10, 1893.

Which bills were severally read the first time, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Pulliam from the Committee on Banks and Banking, to which the same had been referred, reported.

H. B. 118. An act to amend section 66, article 3, of an act entitled, "An act providing for the creation and regula-



tion of private corporations," which became a law April 5, 1893.

With the expression of opinion that it should not pass.

Said bill was read the first time and rejected.

Mr. Pulliam, from the Committee on Banks and Banking, to which the same had been referred, reported:

H. B. 116. An act to repeal charters of State banks and other institutions of loan and discount.

With the expression of opinion that it should not pass.

Said bill was read the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed on the calendar, and read the second time on some other day.

The hour of 11 o'clock having arrived the House took up for consideration the special order for that hour, viz:

H. B. 121. An act to amend section 145 of the Constitution of Kentucky.

Mr. Tracy moved to postpone the further consideration of said bill until Friday, February 18, at 11 o'clock A. M., and that the same be made the special order of that hour.

Said motion was adopted.

Mr. George Weissinger Smith, from the Committee on Court of Appeals, to which the same had been referred, reported:

H. B. 203. An act to abolish the offices of assistant sergeant-at-arms, tipstaff and janitor of the Court of Appeals, and creating the office of special law clerk to the Court of Appeals and setting forth the duties of said officer.

With a substitute proposed therefor by the committee.

Said bill was read the first time, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Perkins, from the Committee on County and City Courts, to which the same had been recommitted, reported:

H. B. 57. An act to amend section 1086, Kentucky Statutes, and regulating the jurisdiction of justices of the peace in civil actions.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 1086, Kentucky Statutes is hereby amended so as to read:

"Sec. 1086. Justices' courts shall have jurisdiction concurrent with circuit and quarterly courts of this Commonwealth of all actions and proceedings for the recovery of money or personal property in civil cases where the matter in controversy, exclusive of interest and costs does not exceed the value of two hundred dollars; and shall have jurisdiction exclusive of the circuit courts and concurrent with quarterly courts in civil cases of all actions and proceedings for the recovery of money or personal property when the value in controversy exclusive of interest and costs is one hundred dollars or under and shall have jurisdiction concurrent with quarterly courts of motions against constables for failing to discharge their duty, and such other jurisdiction as may be provided by law."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
T. H. Armstrong,	Anderson Hatfield,	L. C. Rawlings,
A. C. Brown,	J. A. Ingram,	R. E. Richardson,
J. L. Brown,	J. P. Jeffries,	E. H. Read,
A. Bertram,	D. D. Lykins,	J. S. Robey,

Reuben Conner,	Joseph F. Laufer,	S. Atwood Smith,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
T. W. Clark,	J. D. Mocquot,	F. G. Shepherd,
W. H. Cooke,	Reuben Morris,	J. A. Small,
J. E. Cahill,	J. J. Marquette,	O. P. Searcy,
A. S. Denton,	W. J. Mears,	Miles Spurlock,
Claude Desha,	R. C. Myers,	B. F. Saunders,
J. B. Depp,	John M. Moore,	A. J. Thompson,
M. T. Freeman,	F. May,	Frank M. Tracy,
W. W. Gill,	J. H. Minor,	George Traver,
W. C. Holland,	W. A. Morris,	L. E. Weatherford,
C. W. Haverly,	J. Mc. Meloan,	C. A. Wilson,
J. S. Hood,	M. F. North,	C. B. Wheeler,
J. A. Humphreys,	Chas. Aaron Nelson,	R. E. Watkins,
W. C. G. Hobbs,	Chas. F. Ogden,	R. C. Walker,
James M. Hall,	L. J. Owen,	J. D. Wills—65.
W. B. Henderson,	V. Perkins,	

Those who voted in the negative were:

J. Morgan Chinn,	W. H. McKee,	H. S. Vanzant,
J. R. Mallory,	E. Petty,	Jas. H. Williams—8.
J. R. Mount,	W. C. Pike,	

Resolved, that said bill do pass and that the title thereof be as follows, viz:

An act to amend section 60, article 6, chapter 221 of an act entitled, "An act relating to courts of justice," approved June 10, 1893.

Mr. Perkins, from the Committee on County and City Courts, to which the same had re-committed, reported:

H. B. 105. An act to amend section 950, subdivision 2, article 1, chapter 35, Kentucky Statutes.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

Section 1. That section 2, article 1, chapter 221 of an act entitled:

An act relating to courts of justice, approved June 10, 1893, being section 950, subdivision 2, article 1, chapter 35, of the Kentucky Statutes, be and the same is amended by striking from the fourth line of said section the word "one" and adding in lieu thereof the word "two," so that said section as amended shall read:

"No appeal shall be taken to the Court of Appeals from a judgment for the recovery of money or personal property if the value in controversy be less than two hundred dollars, exclusive of interest and costs, nor to reverse a judgment granting a divorce or punishing contempt, nor for any order or judgment of a county court, except in actions for division of land and allotment of dower, nor from any order or judgment of a quarterly, city, police, fiscal or justices courts, nor from any bond having the force of a judgment.

"In all other civil cases the Court of Appeals shall have appellant jurisdiction over the final orders and judgments of all courts."

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. This act shall take effect and be in force within ninety days after the adjournment of the General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	Michael O'Sullivan,
A. C. Brown,	J. P. Jeffries,	Harry C. Pulliam,
A. Bertram,	R. C. Jarnagin,	E. Petty,
Reuben Conner,	D. D. Lykins,	V. Perkins,
A. H. Charlton,	Joseph F. Laufer,	L. C. Rawlins,

T. W. Clark,	J. D. Mocquot,	E. H. Read,
J. E. Cahill,	J. R. Mount,	G. Weissinger Smith.
A. S. Denton,	J. J. Marquette,	F. G. Shepherd,
Claude Desha,	W. J. Mears,	O. P. Searcy,
J. B. Depp,	R. C. Myers,	B. F. Saunders,
M. T. Freeman,	John M. Moore,	A. J. Thompson,
W. W. Gill,	F. May.	South Trimble,
W. C. Holland,	J. H. Minor,	L. E. Weatherford,
J. A. Humphreys,	J. Mc. Meloan,	R. E. Watkins,
W. C. G. Hobbs,	M. F. North,	J. D. Wills,
G. W. Hickman,	Chas. F. Ogden,	Jas. H. Williams—49.
Anderson Hatfield,		

Those who voted in the negative were:

W. H. Cooke,	W. H. McKee,	J. A. Small,
C. W. Haverly,	W. A. Morris,	Miles, Spurlock,
James M. Hall,	Chas. Aaron Nelson,	George Traver,
W. B. Henderson,	W. C. Pike,	H. S. Vanzant,
J. M. Lee,	A. B. Pieratt,	C. A. Wilson,
J. R. Mallory,	R. E. Richardson,	C. B. Wheeler,
Reuben Morris,	J. S. Robey,	R. C. Walker—21.

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend section 2, article 1, chapter 221, of an act entitled, "An act relating to Courts of Justice," approved June 10, 1893, being section 950, subdivision 2, article 1, chapter 35, Kentucky Statutes.

Mr. Hickman, from the Committee on County and City Courts, to which the same had been referred, reported:

H. B. 294. An act to amend and re-enact section 2, of an act entitled, "An act to divide the State of Kentucky into circuit court districts," approved July 1, 1892.

With a substitute proposed therefor by the committee.

Said bill was read in full the first time, ordered to be

printed, placed on the calendar and read the second time on some other day.

The House took from the orders of the day bill of the following titles, viz:

H. B. 296. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893, being chapter 47, Kentucky Statutes.

H. B. 252. An act to regulate and further prescribe the duties of assessors, and to regulate assessments of property in this Commonwealth.

H. B. 281. An act to regulate assessment of property in this Commonwealth.

S. B. 34. An act to protect unoccupied houses.

Which bills were severally read the second time and placed in the orders of the day.

The House took from the orders of the day:

H. B. 184. An act to regulate the cost of taking depositions in shorthand.

Ordered that said bill be recommitted to the Committee on Codes.

The House took from the orders of the day.

H. B. 75. An act to amend section 4434, article 8 of the Kentucky Statutes, entitled, "District trustees."

With a substitute proposed therefor by the committee.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 72 of the act aforesaid be and the same is hereby amended by leaving out the word "June" and inserting therefor the word "October," in line eleven.

Sec. 2. That section 74 of the said act be and the same is hereby amended by striking out in lines eleven and twelve the words "the fourth Saturday in June," and inserting in lieu thereof the words "the first day of June."

Sec. 3. That section 81 of the said act be, and the same is hereby amended by striking out the sentence which reads: "No teacher shall be employed until after the election and qualification of the new board of trustees."

So that section 72, when amended, will read, with caption: "Each school district shall be under the control of three trustees, who shall be of good moral character, at least 21 years of age and for white schools able to read and write, and for colored schools able to read and write, if practicable; one of whom shall be elected each year for the term of three years to fill the place of the trustee going out of office. No person holding the office of trustee of any private school shall be eligible to hold the office of trustee of any common school.

The vote in electing a trustee shall be taken viva voce and the election shall be held at the school house and if no school house be in the district at such convenient place as the trustee may select, from 1 o'clock till 6 o'clock in the afternoon on the first Saturday of October, each year, notice thereof having been posted by the trustees at three of the most public places in the district for ten days immediately preceding the day of the election. At this election the qualified voters of the district shall be the electors and any widow having a child between 6 and 20 years of age, and any widow or spinster having a ward between the ages of 6 and 20 years may also vote. The officers of the election shall be a judge and a clerk who shall be residents of the district and be chosen by the voters at the opening of the polls. The judge of the election shall give the casting vote in case of a tie, provided he has not heretofore voted; and give a certificate of election to the person elected, signed by himself and report the trustees

thus elected, in writing, to the county superintendent of the county within five days after the day of election. In case of a tie, in which the judge has voted then he shall certify the fact to the county superintendent, and the county superintendent shall appoint the trustee and give him a certificate, and the trustee so selected shall act until his successor is duly qualified. The trustee so elected shall hold office for three years from the first day of July succeeding his election and until his successor is duly elected or appointed and qualified. Any two of the trustees may constitute a quorum to transact the business pertaining to their office, at a meeting of which all shall have had reasonable notice. The trustee having the shortest term to serve shall be chairman of the board of trustees, whose duty it shall be to preside at all its meetings and to make the reports, and to perform all such other acts and duties as required by law of trustees, and in case of neglect or non-performance of duty the one so remiss of duty shall be subject to like fines and penalties as imposed by law on trustees for neglect of duty or other violations of law. This law shall in no wise impair the term of office of trustee who have been duly elected or appointed under the present school law."

That section 74, when so amended, will read, with caption: "If, from a failure to qualify according to law, or from any other cause, there be a vacancy in the office of trustee, the county superintendent of the county shall, within ten days, or as soon thereafter as practicable, supply the same by his appointment, in writing, and the trustee so appointed shall hold his office until the end of that term, and until his successor is elected or appointed and qualified. In case of controverted right to the office of trustee, the county superintendent is empowered to recognize a trustee among the contestants until the dispute has been settled. If a trustee-elect shall fail to qualify before the county superintendent on or before the first day of June following his election, or file with him a certificate that he has qualified before another



officer. it shall be within the discretion of the county superintendent to declare his place vacant, and to fill same by appointment."

That section 81, with caption, will read when so amended: "The trustees in their corporate capacity at a meeting called for that purpose shall employ a qualified teacher, agree with him as to compensation, and for good cause of which he be first notified in writing, remove him subject to the approval of the county superintendent. The contract between the teacher and trustees shall not be entered into before the first of July of the calendar year in which the school is to begin. It shall expressly prescribe that its terms are subject to all the provisions of the common school laws, and shall be in writing signed by the teacher and at least two of the trustees; whenever a teacher is entitled to a payment for having taught a common school, it shall be the duty of the trustees of the district to certify that the school has been legally taught for the period specified; no person shall be allowed to teach a private or other school in any district school house, unless he be of good moral character and have the consent of not less than two of the trustees of the district in which said school is to be taught.

Sec. 4. Whereas, The regular election for school trustees under the present school law will occur before ninety days after the adjournment of this session of the General Assembly;

Therefore, an emergency is declared, and this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	W. C. Pike,
T. H. Armstrong,	J. A. Ingram,	V. Perkins,
A. C. Brown,	D. D. Lykins,	A. B. Pieratt,

J. L. Brown,	Joseph F. Laufer,	L. C. Rawlings,
A. Bertram,	J. M. Lee,	R. E. Richardson,
A. H. Charlton,	J. R. Mallory,	E. H. Read,
T. W. Clark,	Reuben Morris,	J. S. Robey,
W. H. Cooke,	J. R. Mount,	S. Atwood Smith,
J. E. Cahill,	J. J. Marquette,	F. G. Shepherd,
J. Morgan Chinn,	W. J. Mears,	J. A. Small,
A. S. Denton,	R. C. Myers,	O. P. Searcy,
Claude Desha,	John M. Moore,	Miles Spurlock,
J. B. Depp,	F. May,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	A. J. Thompson,
W. W. Gill,	W. A. Morris,	George Traver,
W. C. Holland,	J. Mc. Meloan,	H. S. Vanzant,
C. W. Haverly,	M. F. North,	L. E. Weatherford,
J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Chas. P. Ogden,	C. B. Wheeler,
James M. Hall,	Michael O'Sullivan,	R. C. Walker,
W. B. Henderson,	Harry C. Pulliam,	Jas. H. Williams-65.
G. W. Hickman,	E. Petty,	

Those who voted in the negative were : none.

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend and re-enact sections 73, 74 and 81 of an act entitled, "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893, the same being sections 4434, 4436 and 4445 of the Kentucky Statutes.

The House took from the orders of the day.

H. B. 159. An act creating a bureau of labor, defining its duties and appropriating money for its maintenance.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A Commissioner of Labor, appointed by the Governor, and an assistant commissioner and a factory inspector, appointed by the commissioner, shall constitute a Bureau of Labor, who shall be appointed within thirty days after its passage, and thereafter biennially on the first Monday in January.

Sec. 2. It shall be the duty of the officers and employees of said bureau to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of operators in workshops and factories, on railroads and in other places; and all laws enacted for the protection of the working class. It shall also be the duty of the officers and employees of the bureau to collect, assort, arrange and present, in biennial reports to the Legislature, on or before the first Monday in January, statistical details relating to all departments of labor in the State, to the subject of co-operation, strikes or other labor difficulties; to trade unions and other labor organizations, and their effect upon labor and capital; and to such other matters relating to commercial, industrial, social, educational, moral and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries as the bureau sees fit and proper.

In its biennial report the bureau shall also give an account of all proceedings of its officers and employees which have been taken in accordance with the provisions of this act, including a statement of all violations of law which have been observed and the proceedings under the same, and shall join with such account such remarks, suggestions and recommendations as the commissioner may deem necessary.

Sec. 3. It shall be the duty of every owner, operator, or manager of every factory, workshop, mine or other establishment where labor is employed, to make to the bureau, upon

blanks furnished by said bureau, such reports and returns as the said bureau may require for the purpose of compiling such labor statistics, as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the Commissioner of Labor, and shall certify to the correctness of same.

Sec. 4. The Commissioner of Labor, or any officer or employee of the Bureau of Labor, shall have power to enter any factory or mill, workshop, or public or private works, when the same is open or in operation, for the purpose of gathering facts and statistics, such as are contemplated by this act, and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and make a record thereof, and any owner or occupant of said factory or mill, workshop or public or private works, or his agent or agents, who shall refuse to allow an officer or other employee of said bureau to so enter, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not to exceed one hundred dollars, or be imprisoned in the county jail not to exceed ninety days.

Sec. 5. No report or return made to said bureau in accordance with the provisions of this act, and no schedule, record, or documents gathered or returned by its officers or employees shall be destroyed within two years of the receipt or collection thereof, such reports, schedule and documents being declared public documents. At the expiration of the period of two years above referred to in this section, all records, schedules and papers accumulating in the said bureau that may be considered of no value by the commissioner may be destroyed; Provided, The authority of the Governor and the Senate be first obtained for such destruction.

Sec. 6. In addition to the assistant commissioner and the factory inspector, provided by section 1 of this act, the Commissioner of Labor shall appoint two deputies and two assistant

factory inspectors, one of whom shall act as inspector of railways. He may also employ such others assistants and incur such other expense, not exceeding three thousand dollars a year, as may be necessary in the discharge of the official duties of said bureau; such other assistants shall be paid for the services rendered such compensation as the Commissioner of Labor may deem proper, but no such assistants shall be paid more than four dollars per day in addition to necessary traveling expenses.

Sec. 7. Biennial reports of the Bureau of Labor, provided for by section 2 of this act, shall be printed in the same manner and under the same regulation as the reports of the executive officers of the State; Provided, That not less than one thousand nor more than three thousand copies of the reports shall be distributed, as the judgment of the commissioner may deem best. The blanks and other stationery required by the Bureau of Labor, in accordance with the provisions of this act, shall be furnished by the Secretary of State and paid for from the printing fund of the State.

Sec. 8. The compensation of said bureau shall be two thousand, five hundred dollars annual salary for the commissioner, fifteen hundred dollars annual salary for the assistant commissioner, twelve hundred dollars annual salary for the factory inspector and one thousand dollars annual salary each for two deputies and the two assistant factory inspectors, and a sum not exceeding three thousand dollars per annum shall be allowed for the necessary traveling and incidental expenses of the bureau; Provided, That only those persons who possess a practical knowledge of and experience in the work and duties required of them under the provisions of this and other acts, shall be appointed factory inspectors.

Sec. 9. There is hereby annually appropriated out of any money in the treasury, not otherwise appropriated, the sum of twelve thousand, two hundred dollars, or so much thereof as may be necessary to carry out the provisions of this act.

Sec. 10. This act shall take effect and be in force from and after its passage.

#### SUBSTITUTE.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A Commissioner of Labor appointed by the Governor, a secretary and two factory inspectors shall constitute a Bureau of Labor, who shall be appointed by the commissioner biennially on the first Monday in January.

Sec. 2. It shall be the duty of the officers and employees of said bureau to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of operators in workshops and factories, on railroads and in other places; and all laws enacted for the protection of the working class. It shall also be the duty of the officers and employees of the bureau to collect, assort, arrange and present, in biennial reports to the Legislature, on or before the first Monday in January, statistical details relating to all departments of labor in the State, to the subject of co-operation, strikes or other labor difficulties; to trade unions and other labor organizations and their effect upon labor and capital; and to such other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather.

In its biennial reports the bureau shall also give an account of all proceedings of its officers and employees which have been taken in accordance with the provisions of this act, including a statement of all violations of law which have been observed and the proceedings under the same, and shall join with such account such remarks, suggestions and recommendations as the commissioner may deem necessary.

Sec. 3. It shall be the duty of every owner, operator or

manager of every factory, workshop, mine or other establishment where labor is employed to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the Commissioner of Labor, and shall certify to the correctness of same.

Sec. 4. The Commissioner of Labor or any officer or employee of the Bureau of Labor shall have power to enter any factory or mill, workshop or public or private works where the same is open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of said factory or mill, workshop or public or private works, or his agent or agents, who shall refuse to allow an officer or employee of said bureau to so enter, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars, or be imprisoned in the county jail not to exceed ninety days.

Sec. 5. No report or return made to the said bureau in accordance with the provisions of this act, and no schedule, record, or documents gathered or returned by its officers or employees shall be destroyed within two years of the receipt or collection thereof, such reports, schedules and documents being declared public documents. At the expiration of the period of two years above referred to in this section, all records, schedules and papers accumulating in the said bureau that may be considered of no value by the commissioner may be destroyed: Provided, The authority of the Governor and the Senate be first obtained for such destruction.

Sec. 6. Biennial reports of the Bureau of Labor, provided

for by section 2 of this act, shall be printed in the same manner and under the same regulations as the reports of the executive officers of the State; Provided, That not less than one thousand nor more than three thousand copies of the reports shall be distributed, as the judgment of the commissioner may deem best. The blanks and other stationery required by the Bureau of Labor, in accordance with the provisions of this act, shall be furnished by the Secretary of State and paid for from the printing fund of the State.

Sec. 7. The compensation of said bureau shall be twelve hundred dollars annual salary for the commissioner, eight hundred dollars annual salary for the secretary, and eight hundred dollars annual salary for each of the two factory inspectors, and a sum not exceeding five hundred dollars per annum shall be allowed for traveling and incidental expenses of the bureau; Provided, That only those persons who possess a practical knowledge of and experience in the work and duties required of them under the provisions of this act, shall be appointed factory inspectors.

Sec. 8. There is hereby annually appropriated from the treasury for the maintenance of the Bureau of Labor the sum of not more than four thousand, one hundred dollars.

Sec. 9. This act shall take effect and be in force from and after its passage.

The yeas and nays being required thereon were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Jeffries,	Michael O'Sullivan,
J. L. Brown,	D. D. Lykins,	Harry C. Pulliam,
A. H. Charlton,	Joseph F. Laufer,	G. Weissinger Smith,
T. W. Clark,	J. D. Mocquot,	F. G. Shepherd,
J. Morgan Chinn,	J. R. Mount,	Frank M. Tracy,
J. A. Humphreys,	Chas. F. Ogden,	C. A. Wilson—19.
W. C. G. Hobbs,		



Those who voted in the negative were:

T. H. Armstrong,	R. C. Jarnagin,	V. Perkins,
A. C. Brown,	J. M. Lee,	A. B. Pieratt,
A. Bertram,	J. R. Mallory,	L. C. Rawlings,
Reuben Conner,	Reuben Morris,	R. E. Richardson,
W. H. Cooke,	J. J. Marquette,	E. H. Read,
J. E. Cahill,	W. J. Mears,	J. S. Robey,
A. S. Denton,	John M. Moore,	J. A. Small,
Claude Desha,	W. H. McKee,	Miles Spurlock,
J. B. Depp,	F. May,	B. F. Saunders,
W. W. Gill,	W. B. Morris,	A. J. Thompson,
W. C. Holland,	J. Mc. Meloan,	George Traver,
C. W. Haverly,	M. F. North,	H. S. Vanzant,
James M. Hall,	Chas. Aaron Nelson,	L. E. Weatherford,
W. B. Henderson,	Emmett Orr,	C. B. Wheeler,
G. W. Hickman,	L. J. Owen,	R. C. Walker,
Anderson Hatfield,	E. Petty,	J. D. Wills,
J. A. Ingram,	W. C. Pike,	Jas. H. Williams-51.

So said bill was rejected.

The House took from the orders of the day:

S. B. 67. An act to create a Board of Penitentiary Commissioners, and regulate the penal institutions of this Commonwealth.

Mr. Trimble moved to postpone the further consideration of said bill until Wednesday, February 16, at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was adopted.

And then the House adjourned.

## SATURDAY, FEBRUARY 12, 1898.

The House was opened with prayer by Elder Geo. Darsie, of the Christian church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Charlton moved the adoption of the following resolution, viz:

Resolved, That on and after February 17th, which is next Wednesday, this House shall hold afternoon sessions, beginning at 3 o'clock, for the consideration of bills in the orders of the day, and that no other business be considered at said sessions.

Ordered that said resolution be referred to the Committee on Rules.

Mr. Mount moved the adoption of the following resolution, viz:

Resolved, That beginning on the 15th inst. this House shall hold afternoon sessions, from 3 to 5 o'clock, on each Tuesday, Wednesday and Thursday of each week. On Tuesday evening for the call of committees, and on Wednesday and Thursday evenings to consider the orders of the day.

Ordered that said resolution be referred to the Committee on Rules.

The committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Mocquot, from the Committee on Codes of Practice:

H. B. 291. An act to amend section 109, chapter 1, title 6, of the Code of Practice in criminal cases.

By same:

H. B. 292. An act to amend sections 6 and 7 of an act entitled, "An act to amend the provisions of the Civil Code of Practice concerning injunctions," approved March 19, 1894.

By Mr. Mallory, from the Committee on Criminal Laws:

H. B. 327. An act to repeal chapter 1662, of the acts of the General Assembly of the Commonwealth of Kentucky, session acts 1889-90, which became a law May 20, 1890, without the approval of the Governor, and which is entitled, "An act to prohibit the sale of spirituous, vinous, malt, or intoxicating liquors, or the mixture of either in the county of Morgan, and to prescribe a penalty therefor."

By same:

H. B. 244. An act to amend chapter 103, article 2, section 9, of session acts 1892, entitled, "An act relating to revenue and taxation."

By same:

S. B. 39. An act requiring any person, persons or corporation within this Commonwealth who are now or may hereafter be engaged in the manufacturing, buying or selling or in any way handling mixed flour, to label or brand each and every barrel or package with the ingredients therein contained.

By same:

S. B. 62. An act to prevent and punish criminal abortion.

Which bills were severally read the first time in full and ordered to be placed on the calendar and read the second time on some other day.

Mr. Mocquot, from the Committee on Codes of Practice, to which the same had been referred, reported:

H. B. 310. An act to amend section 75, Kentucky Code of Practice; title, "Persons constructively summoned."

Without expression of opinion.

Said bill was read the first time in full.

Ordered that said bill be recommitted to the Committee on Kentucky Statutes.

Mr. Mallory, from the Committee on Criminal Law, to which the same had been recommitted, reported:

H. B. 128. An act to amend section 1196, of Kentucky Statutes relating to hog stealing.

Mr. Williams moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1196 be and the same is hereby amended so as to read as follows: If any person shall steal a hog of the value of four dollars or more he shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than six nor more than twelve months, or both so fined and imprisoned at the discretion of the jury.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. Mc. Meloan,	F. G. Shepherd,
A. Bertram,	M. F. North,	O. P. Searcy,
A. H. Charlton,	Chas. F. Ogden,	B. F. Saunders,
J. Morgan Chinn,	Michael O'Sullivan,	Frank M. Tracy,
A. S. Denton,	W. C. Pike,	South Trimble,
W. C. G. Hobbs,	V. Perkins,	George Traver,
W. B. Henderson,	A. B. Pieratt,	L. E. Weatherford,
G. W. Hickman,	L. C. Rawlings,	C. A. Wilson,
J. R. Mallory,	E. H. Read,	R. E. Watkins,
John M. Moore,	J. S. Robey,	R. C. Walker—31.
F. May.		

Those who voted in the negative were:

A. C. Brown,	James M. Hall,	W. A. Morris,
Reuben Conner,	Anderson Hatfield,	Chas. Aaron Nelson,
T. W. Clark,	J. A. Ingram,	L. J. Owen,
W. H. Cooke,	J. P. Jeffries,	E. Petty,
J. E. Cahill,	R. C. Jarnagin,	R. E. Richardson,
Claude Desha,	D. D. Lykins,	J. A. Small,
J. B. Depp,	J. M. Lee,	Miles Spurlock,
M. T. Freeman,	Reuben Morris,	H. S. Vanzant,
W. W. Gill,	J. R. Mount,	C. B. Wheeler,
W. C. Holland,	W. J. Mears,	J. D. Wills,
C. W. Haverly,	W. H. McKee,	Jas. H. Williams—35
J. A. Humphreys,	J. H. Minor,	

So said bill was rejected.

Mr. Mallory, from the Committee on Criminal Law, to which the same had been referred, reported bills of the following titles, viz:

H. B. 324. An act to prevent the fraudulent purchase of goods and merchandise and prescribing penalties therefor.

H. B. 314. An act to amend chapter 182, article 4, subdivision 7, section 177, of acts of 1893, relating to crimes and punishments.

H. B. 315. An act to amend chapter 1802, subdivision 9, section 67, of the session acts of 1893, relating to crimes and punishments.

H. B. 318. An act entitled, "An act to regulate the sale of spirituous, vinous and malt liquors in this Commonwealth by druggists."

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Mr. Mallory, from the Committee on Criminal Laws, to which the same had been recommitted, reported:

H. B. 73. An act to amend section 1304 of the Kentucky Statutes, title, "Selling without license."

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

An act to amend section 1304 of the Kentucky Statutes, titled, "Selling without License."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1304 of the Kentucky Statutes be amended by inserting after the word "liquors" and before "shall" in the third line thereof the words, "blackberry wine, or any intoxicating drinks," so as that the whole section will read when so amended:

"Any person who shall without license so to do, sell or otherwise dispose of any spirituous, vinous, or malt liquors or blackberry wine, or any intoxicating drinks shall for each offense be fined not less than twenty nor more than one hundred dollars, and this act shall take effect as provided by law."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	Anderson Hatfield,	A. B. Pieratt,
A. Bertram,	J. A. Ingram,	L. C. Rawlings,
T. W. Clark,	J. P. Jeffries,	E. H. Read,
W. H. Cooke,	D. D. Lykins,	J. S. Robey,
J. E. Cahill,	J. R. Mount,	O. P. Searcy,
J. Morgan Chinn,	W. J. Mears,	Miles Spurlock,

J. B. Depp,	John M. Moore,	B. F. Saunders,
W. W. Gill,	J. H. Minor,	South Trimble,
W. C. Holland,	W. A. Morris,	C. B. Wheeler,
J. A. Humphreys,	M. F. North,	R. C. Walker,
James M. Hall,	E. Petty,	Jas. H. Williams-35.
G. W. Hickman,	W. C. Pike,	

Those who voted in the negative were:

T. H. Armstrong,	Reuben Morris,	S. Atwood Smith,
A. H. Charlton,	W. H. McKee,	F. G. Shepherd,
A. S. Denton,	F. May,	J. A. Small,
Claude Desha,	J. Mc. Meloan,	George Traver,
C. W. Haverly,	Chas. Aaron Nelson,	H. S. Vanzant,
W. C. G. Hobbs,	Chas. F. Ogden,	L. E. Weatherford,
W. B. Henderson,	Harry C. Pulliam,	C. A. Wilson,
J. M. Lee,	V. Perkins,	R. E. Watkins,
J. R. Mallory,	R. E. Richardson,	J. D. Wills-28.
J. D. Mocquot,		

So said bill was rejected.

Mr. Mallory, from the Committee on Criminal Law, to which the same had been committed, reported:

H. B. 72. An act to repeal chapter 53, of the Kentucky Statutes, and enact into one all the acts, and parts of acts relating to the taking or catching of fish from the waters of State of Kentucky.

With an amendment heretofore proposed by the committee therefor.

With an amendment to the title thereof.

Mr. Williams moved to amend said substitute, by inserting after word "whatever," in line five the words, "except by the use of the hook and line."

Said amendment was adopted.

Mr. Williams moved to amend said bill, by striking out the fifth section thereof.

Said amendment was adopted.

Mr. Moqre moved to amend said substitute, adding after the word "State," in line seven of section 1, the words, "and in all overflow lakes adjacent thereto."

Said amendment was adopted.

Mr. Chinn, moved to amend said substitute, by striking out of section 2, line thirteen the words, "meshes not less than one and a half inches square," and inserting in lieu thereof the words, "meshes not less than one foot square."

Said amendment was rejected.

Said substitute as amended was adopted.

Ordered that said bill be read the third time,

Said bill was read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it shall be unlawful for any person or persons to catch, take or destroy fish in any of the running waters, lakes or ponds, other than private pools or ponds, of this State, by any means whatever, except by the use of the hook and line, from the fifteenth day of March until the fifteenth day of May, each year, except the streams that form the boundary line between this and other states, and in all overflow lakes adjacent thereto, for the distance it so forms the said boundary line. Any person or persons so offending shall be guilty of a misdemeanor, and upon trial and conviction in any court of competent jurisdiction in the county where the offense is committed, shall be fined in any sum not less than ten nor more than fifty dollars for each offense.

Sec. 2. That from the said fifteenth of May of each year until the said fifteenth day of March of the next year, this law



shall be inoperative, and for that period it is hereby declared lawful for any person or persons to catch fish in the streams, ponds and pools, other than private ponds and pools, as designated in section 1 of this act, in any way except by the use of medicated bait, poison or dynamite, and for the use of either medicated bait, poison or dynamite, the person or persons so offending shall, upon trial and conviction in the circuit court in the county where the offense is committed, be fined in any sum not less than twenty-five nor more than one hundred dollars for each offense, or confined in the county jail not less than ten nor more than fifty days.

Provided, however, That if the seine is used for catching fish, as above stated, it shall be of meshes not less than one and one-fourth inches square, and for a violation of this provision the offender will be deemed guilty of a misdemeanor, and fined as provided in the first section of this act.

This act shall not be construed to prevent any person from using minnow seines less than ten feet in length and four feet in depth to catch minnows for bait.

Sec. 4. That all laws and parts of laws in conflict with this act are hereby repealed.

The yeas and nays being required thereon, by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

T. H. Armstrong,	J. A. Ingram,	E. Petty,
A. C. Brown,	J. P. Jeffries,	W. C. Pike,
J. L. Brown,	R. C. Jarnagin,	V. Perkins,
A. Bertram,	D. D. Lykins,	A. B. Pieratt,
Reuben Conner,	J. M. Lee,	R. E. Richardson,
A. H. Charlton,	J. R. Mallory,	E. H. Read,
T. W. Clark,	Reuben Morris,	J. S. Robey,
W. H. Cooke,	J. R. Mount,	S. Atwood Smith,
J. E. Cahill,	W. J. Mears,	F. G. Shepherd,
A. S. Denton,	R. C. Myers,	J. A. Small,

Claude Desha,	John M. Moore,	O. P. Searcy,
J. B. Depp,	F. May,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	Miles Spurlock,
W. W. Gill,	W. A. Morris,	H. S. Vanzant,
W. C. Holland,	J. Mc. Meloan,	L. E. Weatherford,
C. W. Haverly,	M. F. North,	C. A. Wilson,
J. A. Humphreys,	Chas. Aaron Nelson,	R. E. Watkins,
James M. Hall,	Emmett Orr,	R. C. Walker,
W. B. Henderson,	Michael O'Sullivan,	J. D. Wills,
G. W. Hickman,	L. J. Owen,	Jas. H. Williams-61.
Anderson Hatfield,		

Those who voted in the negative were:

J. Morgan Chinn,	W. H. McKee,	South Trimble,
W. C. G. Hobbs,	Chas. F. Ogden,	George Traver-8.
J. D. Mocquot,	Frank M. Tracy,	

Resolved, That said bill do pass, and that the title thereof be as follows, viz:

An act to repeal chapter 53, of the Kentucky Statutes, and re-enact into one all the acts relating to the taking or catching of fish from the waters of this Commonwealth.

The House took from the orders of the day:

H. B. 219. An act abolishing the office of ordnance sergeant and janitor of the Court of Appeals, providing for a custodian of public buildings for the Capitol, its wings, the State arsenal and the Governor's mansion and grounds thereof, defining his duties and fixing his salary.

Mr. Hickman moved an amendment to said bill.

Said amendment was adopted.

Mr. Charlton moved an amendment to said bill.

Said amendment was rejected.

Mr. Nelson moved an amendment to said bill.

Said amendment was rejected.

Mr. Ogden moved to amend said bill by striking out the words "Court of Appeals" and inserting in lieu thereof the words "Commissioners of the Sinking Fund."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Ogden and Jarnagin, were as follows, viz:

Those who voted in the affirmative were:

M. T. Freeman,	R. C. Jarnagin,	J. H. Minor,
C. W. Haverly,	D. D. Lykins,	Chas. F. Ogden,
James M. Hall,	Reuben Morris,	E. H. Read,
Anderson Hatfield,	R. C. Myers,	H. S. Vanzant,
J. A. Ingram,	F. May,	C. B. Wheeler—16.
J. P. Jeffries,		

Those who voted in the negative were:

T. H. Armstrong,	J. M. Lee,	J. Mc. Meloan,
J. L. Brown,	J. R. Mallory,	R. E. Richardson,
A. Bertram,	J. R. Mount,	J. S. Robey,
Reuben Conner,	W. J. Mears,	S. Atwood Smith,
A. H. Charlton,	John M. Moore,	F. G. Shepherd,
T. W. Clark,	W. H. McKee,	J. A. Small,
W. H. Cooke,	W. A. Morris,	O. P. Searcy,
J. E. Cahill,	M. F. North,	B. F. Saunders,
J. Morgan Chinn,	Chas. Aaron Nelson,	Miles Spurlock,
A. S. Denton,	Emmett Orr,	Frank M. Tracy,
Claude Desha,	Michael O'Sullivan,	South Trimble,
J. B. Depp,	L. J. Owen,	George Traver,
W. W. Gill,	Harry C. Pulliam,	L. E. Weatherford,
W. C. Holland,	E. Petty,	C. A. Wilson,
J. A. Humphreys,	W. C. Pike,	R. E. Watkins,
W. C. G. Hobbs,	V. Perkins,	R. C. Walker,
W. B. Henderson,	A. B. Pieratt,	J. D. Wills,
G. W. Hickman,	L. C. Rawlings,	Jas. H. Williams—54.

So said amendment was rejected.

Mr. Williams moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

e it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a custodian of public buildings for the Capitol building and its wings, the State arsenal and the Governor's mansion shall be elected by the judges of the Court of Appeals as soon as this act shall go into effect, who shall hold his office for the term of four years and until his successor is elected and qualified.

Sec. 2. It shall be the duty of the custodian of public buildings to take full charge of the public buildings named in this act and the grounds thereof and to have same kept in perfect repair and in a clean and presentable condition. He shall employ the porters and such other labor as is necessary to accomplish this and shall fix their salaries and shall see that they discharge their duties; Provided, That the total amount expended for such services, including the salary of the custodian, shall not exceed three thousand dollars for each year. He shall, at the end of each month, make out a pay-roll, giving names of the laborers, porters or others employed by him, the length of time they worked and the compensation to which they are entitled, and shall file same with the Auditor and upon this the Auditor shall draw his warrant for the amount due each such employee.

Sec. 3. The custodian shall contract for all lights and fuel used in the buildings over which he has supervision, for the water used therein and upon the grounds. He shall have charge of the furniture and fixtures of all the offices, see that they are kept in repair, and upon the order of the head of the department, if such shall be necessary, shall purchase such new

furniture or fixtures as may be necessary for the full discharge of their official duties. He shall dispose of all old disused and discarded furniture or fixtures to the best advantage possible and shall turn over the receipts therefor to the Auditor of Public Accounts stating what said receipts are for, and taking the Auditor's receipt for same.

Sec. 4. The custodian shall keep a complete set of books, wherein he shall keep a record of all expenditures authorized by him, charging each department with the amounts of expenditures incurred therefor. He shall also keep a record of the amounts authorized to be paid by him, the person to whom said amount was paid and the purpose for which it was paid. All amounts paid out for repairs of any kind, upon the buildings shall be charged to the account of public buildings.

Sec. 5. He shall annually report to the Court of Appeals the amount total he has authorized to be spent, to whom it is chargeable and for what expended, and every two years he shall make a similar report to the Legislature.

Sec. 7. He shall receive for his compensation the sum of twelve hundred dollars per year, payable monthly, and at the end of each month the Auditor shall draw his warrant in his favor for the amount due for that month. He shall give bond to the Commonwealth of Kentucky in the sum of five thousand dollars for the faithful discharge of his duties, which bond shall be approved by the Chief Justice of the Court of Appeals and two other judges.

Sec. 7. He shall have charge of the State arsenal and supervision of all the janitors and porters of the Court of Appeals, and the acts authorizing the employment of an ordinance sergeant and a janitor for the Court of Appeals are hereby repealed, and all acts or parts of acts in conflict with any of the provisions of this act are hereby repealed:

The yeas and nays being required thereon, were as follows  
viz:

## Those who voted in the affirmative were:

T. H. Armstrong,	J. R. Mallory,	L. C. Rawlings,
J. L. Brown,	J. D. Mocquot,	R. E. Richardson,
A. Bertram,	J. R. Mount,	J. S. Robey,
Reuben Conner,	W. J. Mears,	S. Atwood Smith,
A. H. Charlton,	John M. Moore,	F. G. Shepherd,
T. W. Clark,	W. H. McKee,	J. A. Small,
W. H. Cooke,	W. A. Morris,	O. P. Searcy,
J. Morgan Chinn,	J. Mc. Meloan,	Miles Spurlock,
A. S. Denton,	M. F. North,	B. F. Saunders,
Claude Desha,	Chas. Aaron Nelson,	Frank M. Tracy,
J. B. Depp,	Emmett Orr,	South Trimble,
W. W. Gill,	Michael O'Sullivan,	George Traver,
W. C. Holland,	L. J. Owen,	L. E. Weatherford,
J. A. Humphreys,	Harry C. Pulliam,	C. A. Wilson,
W. C. G. Hobbs,	E. Petty,	R. E. Watkins,
W. B. Henderson,	W. C. Pike,	R. C. Walker,
G. W. Hickman,	V. Perkins,	J. D. Wills—53.
J. M. Lee,	A. B. Pieratt,	

## Those who voted in the negative were:

J. E. Cahill,	R. C. Jarnagin,	Chas. F. Ogden,
M. T. Freeman,	D. D. Lykins,	E. H. Read,
C. W. Haverly,	Reuben Morris,	H. S. Vanzant,
James M. Hall,	R. C. Myers,	C. B. Wheeler,
Anderson Hatfield,	F. May,	J. H. Williams—17.
J. P. Jeffries,	J. H. Minor,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

MONDAY, FEBRUARY 14, 1898.

The House was opened with prayer by Elder John S. Sweeney of the Christian church, Paris, Ky.

Mr. Speaker Beckham in the chair.

The Journal of Saturday was approved.

Mr. Hobbs presented a petition of sundry citizens of Lexington, remonstrating against the passage of Senate bill 19, which petition was received, its reading dispensed with and referred to the Committee on Railroads and Commerce.

Mr. Abele presented a petition of sundry citizens of Covington, in regard to erection of monument at Chicamauga Park, which petition was received, its reading dispensed with and referred to the Committee on Claims.

The House took from the clerk's desk a resolution heretofore moved by Mr. Laufer, calling upon the Commissioners of Public Printing for report as to same

Said resolution was adopted.

Mr. Tracy moved to suspend the rules of the House in order that the Committee on Constitutional Amendment might report a resolution originated by that committee.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	E. Petty,
T. H. Armstrong,	Anderson Hatfield,	W. C. Pike,
B. W. Bradburn,	J. A. Ingram,	V. Perkins,
A. C. Brown,	J. P. Jeffries,	A. B. Pieratt,
J. L. Brown,	R. C. Jarnagin,	L. C. Rawlings,

A. Bertram,	D. D. Lykins,	W. H. Ragland,
W. H. Cole,	Joseph F. Laufer,	R. E. Richardson,
Reuben Conner,	J. M. Lee,	E. H. Read,
A. H. Charlton,	J. R. Mallory,	J. S. Robey,
W. W. Combs,	J. D. Mocquot,	G. Weissinger Smith,
T. W. Clark,	Reuben Morris,	F. G. Shepherd,
W. T. Chilton,	J. R. Mount,	J. A. Small,
W. H. Cooke,	J. J. Marquette,	O. P. Searcy,
J. E. Cahill,	W. J. Mears,	Miles Spurlock,
A. S. Denton,	R. C. Myers,	G. B. Stout,
Claude Desha,	John M. Moore,	Ham. Shehan,
J. B. Depp,	W. H. McKee,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	Frank M. Tracy,
W. W. Gill,	W. A. Morris,	South Trimble,
W. C. Holland,	J. Mc. Meloan,	George Traver,
C. W. Haverly,	M. F. North,	H. S. Vanzant,
J. S. Hood,	Chas. Aaron Nelson,	L. E. Weatherford,
J. A. Humphreys,	Emmett Orr,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
John T. Hinton,	Michael O'Sullivan,	J. D. Wills,
J. P. Haswell, Jr.,	L. J. Owen,	Jas. H. Williams-79.
W. B. Henderson,		

Those who voted in the negative were: none.

Whereupon Mr. Tracy, from the Committee on Constitutional Amendments, reported:

H. B. 20. Resolution providing for an amendment to the Constitution, and providing for a submission to a vote of the people of the Commonwealth, the question of the removal of the State Capital from the city of Frankfort, to the city of Lexington.

Said resolution was read the first time in full, ordered to be printed, placed upon the calendar, and read the second time on some other day.

Mr. Saunders moved that the rules of the House be sus-



pended in order that the Committee on County and City Courts might report House bill 373.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	V. Perkins,
T. H. Armstrong,	Anderson Hatfield,	A. B. Pieratt,
B. W. Bradburn,	J. A. Ingram,	L. C. Rawling,
A. C. Brown,	J. P. Jeffries,	W. H. Ragland,
J. L. Brown,	R. C. Jarnagin,	R. E. Richardson,
A. Bertram,	D. D. Lykins,	E. H. Read,
W. H. Cole,	Joseph F. Laufer,	J. S. Robey,
Reuben Conner,	J. M. Lee,	S. Atwood Smith,
A. H. Charlton,	J. R. Mallory,	G. Weissinger Smith,
W. W. Combs,	J. D. Mocquot,	F. G. Shepherd,
W. T. Chilton,	Reuben Morris,	J. A. Small,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. E. Cahill,	W. J. Mears,	Miles Spurlock,
A. S. Denton,	John M. Moore,	G. B. Stout,
Claude Desha,	W. H. McKee,	Ham. Shehan,
J. B. Depp,	J. H. Minor,	B. F. Saunders.
M. T. Freeman,	W. A. Morris,	Frank M. Tracy,
W. W. Gill,	J. Mc. Meloan,	George Traver,
W. C. Holland,	M. F. North,	H. S. Vanzant,
C. W. Haverly,	Chas. Aaron Nelson,	L. E. Weatherford,
J. S. Hood,	Emmett Orr,	C. A. Wilson,
J. A. Humphreys,	Chas. F. Ogden,	C. B. Wheeler,
W. C. G. Hobs,	Michael O'Sullivan,	R. E. Watkins,
James M. Hall,	L. J. Owens,	J. D. Wills,
J. P. Haswell, Jr.	W. C. Pike,	Jas. H. Williams-76.
W. B. Henderson,		

Those who voted in the negative were: none.

Whereupon Mr. Perkins, from the Committee on County and City Courts, to which the same had been referred, reported.

H. B. 373. An act to amend an act entitled, "An act for the benefit of Caseville and Linville disticts, and authorizing said districts to fund and compromise their indebtedness, etc," approved March 27, 1880,

Said bill was read the first time in full, ordered to be printed, placed upon the calendar, and read the second time on some other day.

Mr. Haswell, moved the adoption of the following resolution, viz:

Be it resolved by the House of Representatives: That the Hall of Representatives be tendered to the ladies of the M. E. church, for the purpose of having a lecture on Thursday, March 2, by Opie Read and William Visscher, the proceeds to go to Methodist church of Frankfort.

Said resolution was adopted.

Mr. Chinn moved that the rules be suspended in order that the House might take from the orders of the day:

S. B. 19. An act to amend and re-enact section 819, of chapter 32, Kentucky Statutes, entitled, "Corporations, private: penalty and damages for extortion, discrimination, preference: jurisdiction, duty of commission; limitation," same being section 226, article 5, subdivision 2 of chapter 171, acts of the General Assembly of Kentucky, which became a law April 5. 1893.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,

W. B. Henderson,

W. H. Ragland,

B. W. Bradburn,

G. W. Hickman,

R. E. Richardson,

A. C. Brown,	J. M. Lee,	J. S. Robey,
J. L. Brown,	J. R. Mallory,	S. Atwood Smith,
A. Bertram,	J. R. Mount,	F. G. Shepherd,
Reuben Conner,	W. J. Mears,	J. A. Small,
A. H. Charlton,	John M. Moore,	O. P. Searcy,
W. W. Combs,	W. H. McKee,	Miles Spurlock,
T. W. Clark,	J. H. Minor,	G. B. Stout,
W. T. Chilton,	W. A. Morris,	Ham. Shenan,
W. H. Cooke,	J. Mc. Meloan,	B. F. Saunders,
J. C. Cantrill,	M. F. North,	Frank M. Tracy,
J. E. Cahill,	Chas. Aaron Nelson,	South Trimble,
J. Morgan Chinn,	Michael O'Sullivan,	George Traver,
A. S. Denton,	L. J. Owen,	L. E. Weatherford,
Claude Desha,	E. Petty,	C. A. Wilson,
J. B. Depp,	W. C. Pike,	C. B. Wheeler,
W. W. Gill,	V. Perkins,	R. E. Watkins,
W. C. Holland,	A. B. Pieratt,	J. D. Wills,
J. A. Humphreys,	L. C. Rawlings,	Jas. H. Williams—61.
John T. Hinton,		

Those who voted in the negative were :

T. H. Armstrong,	Anderson Hatfield,	Reuben Morris,
W. H. Cole,	J. A. Ingram,	R. C. Myers,
John Collins,	J. P. Jeffries,	Emmett Orr,
C. W. Haverly,	R. C. Jarnagin,	Chas. F. Ogden,
J. S. Hood,	D. D. Lykins,	E. H. Read,
W. C. G. Hobbs,	Joseph F. Laufer,	G. Weissinger Smith,
James M. Hall,	J. D. Mocquot,	H. S. Vanzant—22.
J. P. Haswell, Jr.,		

Said bill was then taken up from the orders of the day.

Mr. Mocquot moved to postpone the further consideration of said bill until Thursday, February 17, 1898, at 11 o'clock, and the same be made a special order for that hour.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Chinn and Bradburn, were as follows, viz :

Those who voted in the affirmative were :

T. H. Armstrong,	J. P. Haswell, Jr.,	Reuben Morris,
W. H. Cole,	Anderson Hatfield,	R. C. Myers,
A. H. Charlton,	J. A. Ingram,	J. H. Minor,
John Collins,	J. P. Jeffries,	W. A. Morris,
M. T. Freeman,	R. C. Jarnagin,	Chas. F. Ogden,
C. W. Haverly,	D. D. Lykins,	E. H. Read,
J. S. Hood,	Joseph F. Laufer,	G. Weissinger Smith,
W. C. G. Hobbs,	J. D. Mocquot,	H. S. Vanzant—25.
James M. Hall,		

Those who voted in the negative were :

M. Abele,	W. B. Henderson,	R. E. Richardson,
B. W. Bradburn,	G. W. Hickman,	J. S. Robey,
A. C. Brown,	J. M. Lee,	S. Atwood Smith,
J. L. Brown,	J. R. Mallory,	F. G. Shepherd,
A. Bertram,	J. R. Mount,	J. A. Small,
Reuben Conner,	W. J. Mears,	O. P. Searcy,
W. W. Combs,	John M. Moore,	Miles Spurlock,
T. W. Clark,	W. H. McKee,	G. B. Stout,
W. T. Chilton,	J. Mc. Meloan,	Ham Shehan,
W. H. Cooke,	M. F. North,	B. F. Saunders,
J. C. Cantrill,	Chas. Aaron Nelson,	Frank M. Tracy,
J. E. Cahill,	Emmett Orr,	South Trimble,
J. Morgan Chinn,	Michael O'Sullivan,	George Traver,
A. S. Denton,	L. J. Owen,	L. E. Weatherford,
Claude Desha,	E. Petty,	C. A. Wilson,
J. B. Depp,	W. C. Pike,	C. B. Wheeler,
W. W. Gill,	V. Perkins,	R. E. Watkins,
W. C. Holland,	A. B. Pieratt,	J. D. Wills,
J. A. Humphreys,	L. C. Rawlings,	Jas. H. Williams—59.
John T. Hinton,	W. H. Ragland,	

So said motion was rejected.

Mr. Ogden moved to amend said bill as follows, viz :

Amended by adding after the end of line fifty-four the following sentence :

Either party shall have the right to an appeal to a court of justice from the decision of said board ; Provided, The appeal is taken within ten days after the rendition of said judgment.

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Ogden and Jarnigan, were as follows, viz :

Those who voted in the affirmative were :

George H. Bishop,	J. P. Haswell, Jr.,	Reuben Morris,
W. H. Cole,	Anderson Hatfield,	R. C. Myers,
John Collins,	J. A. Ingram,	F. May.
M. T. Freeman,	J. P. Jeffries,	J. H. Minor,
C. W. Haverly,	R. C. Jarnagin,	Chas. F. Ogden,
J. S. Hood,	Joseph F. Laufer,	E. H. Read,
W. C. G. Hobbs,	J. D. Mocquot,	H. S. Vanzant—22.
James M. Hall,		

Those who voted in the negative were :

M. Abele,	G. W. Hickman,	J. S. Robey,
T. H. Armstrong,	J. M. Lee,	S. Atwood Smith,
B. W. Bradburn,	J. R. Mallory,	G. Weissinger Smith,
J. L. Brown,	J. R. Mount,	F. G. Shepherd,
A. Bertram,	W. J. Mears,	J. A. Small,
Reuben Conner,	John M. Moore,	O. P. Searcy,
W. W. Combs,	W. H. McKee,	Miles Spurlock,
T. W. Clark,	W. A. Morris,	G. B. Stout,
W. T. Chilton,	J. Mc. Meloan,	Ham. Shehan,
W. H. Cooke,	M. F. North,	B. F. Saunders,
J. C. Cantrill,	Chas. Aaron Nelson,	Frank M. Tracy,
J. E. Cahill,	Emmett Orr,	South Trimble,

J. Morgan Chinn,	Michael O'Sullivan,	George Traver,
A. S. Denton,	L. J. Owen,	L. E. Weatherford,
Claude Desha,	E. Petty,	C. A. Wilson,
J. B. Depp,	W. C. Pike,	C. B. Wheeler,
W. W. Gill,	V. Perkins,	R. E. Watkins,
W. C. Holland,	A. B. Pieratt,	R. C. Walker,
J. A. Humphreys,	L. C. Rawlings,	J. D. Wills,
John T. Hinton,	W. H. Ragland,	Jas. H. Williams-62.
W. B. Henderson,	R. E. Richardson,	

Mr. Meyers moved to amend said bill as follows, viz :

Amend by adding immediately after the word "accrued" in line fifty-four, the following words to-wit :

No person or persons owning or having any interest in any stock or bonds of any railroad, packet or transportation company doing business in this Commonwealth, or in any way interested in the control and management of said companies shall be eligible to hold or to discharge the duties of the office of railroad commissioner within the meaning of this act.

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Myers and Vanzant were as follows, viz :

Those who voted in the affirmative were :

Geo. H. Bishop,	James M. Hall,	R. C. Myers,
W. H. Cole,	J. P. Haswell, Jr.,	F. May,
A. H. Charlton,	Anderson Hatfield,	J. H. Minor,
John Collins,	J. A. Ingram,	Emmett Orr,
M. T. Freeman,	R. C. Jarnagin,	Chas. F. Ogden,
C. W. Haverly,	D. D. Lykins,	E. Petty,
J. S. Hood,	J. D. Mocquot,	E. H. Read,
W. C. G. Hobbs,	Reuben Morris,	H. S. Vanzant—24.

Those who voted in the negative were :

M. Abele,	W. B. Henderson,	J. S. Robey,
T. H. Armstrong,	G. W. Hickman,	S. Atwood Smith,

B. W. Bradburn,	Joseph F. Laufer,	G. Weissinger Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd,
J. L. Brown,	J. R. Mallory,	J. A. Small,
A. Bertram,	J. R. Mount,	O. P. Searcy,
Reuben Conner,	W. J. Mears,	Miles Spurlock,
W. W. Combs,	John M. Moore,	G. B. Stout,
T. W. Clark,	W. H. McKee,	Ham Shehan,
W. T. Chilton,	W. A. Morris,	B. F. Saunders,
W. H. Cooke,	J. Mc. Meloan,	Frank M. Tracy,
J. C. Cantrill,	M. F. North,	South Trimble,
J. E. Cahill,	Chas. Aaron Nelson,	George Traver,
J. Morgan Chinn,	Michael O'Sullivan,	L. E. Weatherford,
A. S. Denton,	L. J. Owen,	C. A. Wilson,
Claude Desha,	W. C. Pike,	C. B. Wheeler,
J. B. Depp,	V. Perkins,	R. E. Watkins,
W. W. Gill,	A. B. Pieratt,	R. C. Walker,
W. C. Holland,	L. C. Rawlings,	J. D. Wills,
J. A. Humphreys,	W. H. Ragland,	Jas. H. Williams-62.
John T. Hinton,	R. E. Richardson,	

Mr. Wilson moved the previous question.

Said motion was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 819 of chapter 32, Kentucky Statutes, entitled, "Corporations, private; penalty and damages for extortion, discrimination, preference; jurisdiction, duty of commission; limitation," same being section 226, article 5, subdivision 2 of chapter 171, acts of the General Assembly of Kentucky which became a law April 5, 1893, be and the same is hereby amended and re-enacted so that the same shall read as follows, viz:

"When complaint in writing shall have been made to the railroad commission by any person, company, or corporation,

accusing any railroad corporation of being guilty of any of the offenses defined in sections 816, 817 and 818, same being sections 223, 224 and 225 of article 5, subdivision 2 of chapter 171, acts of the General Assembly of Kentucky which became a law April 5, 1893, it shall be the duty of the commission to hear and determine the complaint as speedily as possible. They shall give the company complained of not less than ten days' notice of the time and place of the hearing of same, and shall hear and reduce or cause to be reduced to writing all evidence adduced by the parties and such other evidence as they may desire to hear, and should they determine that said corporation is or has been guilty of extortion, said commission shall fix and determine a just and reasonable rate, toll, or compensation which said railroad corporation may charge, collect or receive for like services thereafter rendered. Said determination and the rate, toll or compensation so fixed shall be entered upon the records of their office and signed by the commission and a copy thereof delivered to the complainant and railroad corporation complained of, and shall be in full force and effect ten days thereafter, but may be revoked or modified by an order of the commission likewise entered of record; and should said railroad corporation thereafter charge, collect or receive a greater rate, toll or compensation than that fixed or determined by the commission as herein provided, it shall be deemed guilty of extortion and upon conviction shall be punished as hereinafter provided. Any railroad corporation that shall be guilty of extortion or unjust discrimination or of giving to any person or locality or to any description of traffic, an undue or unreasonable preference or advantage, shall upon conviction be fined for the first offense in any sum not less than five hundred dollars nor more than one thousand dollars, and upon a second conviction, in any sum not less than five hundred dollars nor more than two thousand dollars, and upon a third and succeeding convictions in any sum not less than two thousand dollars nor more than five thousand dollars.



"The circuit court of any county into or through which the line of railroad may run, owned or operated by the corporation alleged to be guilty as aforesaid, and the Franklin Circuit Court shall have jurisdiction of the offense, which shall be prosecuted by indictment, or by action in the name of the Commonwealth upon information filed by the Board of Railroad Commissioners, and such railroad corporation shall also be liable in damages to the party aggrieved to the amount of damages sustained, together with cost of suit and reasonable attorney's fees to be fixed by the court.

And all prosecutions and actions under this law shall be commenced within two years after the offense shall have been committed or the cause of action shall have accrued.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	J. S. Robey,
Bruce Adkins,	Anderson Hatfield,	S. Atwood Smith,
B. W. Bradburn,	J. M. Lee,	G. Weissinger Smith,
A. C. Brown,	J. R. Mallory,	F. G. Shepherd,
J. L. Brown,	J. R. Mount,	J. A. Small,
A. Bertram,	W. J. Mears,	O. P. Searcy,
Reuben Conner,	John M. Moore,	Miles Spurlock,
W. W. Combs,	W. H. McKee,	G. B. Stout,
T. W. Clark,	W. A. Morris,	Ham. Shehan,
W. T. Chilton,	J. Mc. Meloan,	B. F. Saunders,
W. H. Cooke,	M. F. North,	A. J. Thompson,
J. C. Cantrill,	Chas. Aaron Nelson,	Frank M. Tracy,
J. E. Cahill,	Emmett Orr,	South Trimble,
J. Morgan Chinn,	Michael O'Sullivan,	George Traver,
A. S. Denton,	L. J. Owen,	L. E. Weatherford,
Claude Desha,	E. Petty,	C. A. Wilson,
J. B. Depp,	W. C. Pike,	C. B. Wheeler,
W. W. Gill,	V. Perkins,	R. E. Watkins,

W. C. Holland,	A. B. Pieratt,	R. C. Walker,
J. A. Humphreys,	L. C. Rawlings,	J. D. Wills,
John T. Hinton,	W. H. Ragland,	Jas. H. Williams,
W. B. Henderson,	R. E. Richardson,	Mr. Sp. Beckham-66.

Those who voted in the negative were:

George H. Bishop,	J. H. Hall,	R. C. Myers,
W. H. Cole,	J. A. Ingram,	F. May,
A. H. Charlton,	J. P. Jeffries,	J. H. Minor,
John Collins,	R. C. Jarnagin,	Chas. F. Ogden,
M. T. Freeman,	D. D. Lykins,	E. H. Read,
C. W. Haverly,	Joseph F. Laufer,	Andrew Sargent,
J. S. Hood,	J. D. Mocquot,	H. S. Vanzant,
W. C. G. Hobbs,	Reuben Morris,	David Woods-25.
James M. Hall,		

The following pair was announced, viz:

Mr. Sharp with Mr. Armstrong; Mr. Sharp would have voted nay, while Mr. Armstrong would have voted yea.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Chinn moved to reconsider the vote by which said bill was passed, and moved to lay that motion on the table.

Said last named motion was adopted.

And then the House adjourned.

TUESDAY, FEBRUARY 15, 1898.

The House was opened with prayer by Rev. Geo. Means, of the M. E. church, South.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills and resolutions the following were introduced and referred as follows:

By Mr. McKee:

H. B. 379. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," and to further regulate the business of companies transacting the business of life or casualty insurance, or both life and casualty insurance, upon the assessment or co-operative plan, as now regulated under subdivision 3, article 4, of the above named act.

Referred to the Committee on Insurance.

By Mr. Moore:

H. B. 380. An act requiring the county supervisors of roads to be elected by the popular vote of the people, and repealing that part of the present law giving the fiscal court that power.

Referred to the Committee on Internal Improvements.

By Mr. Henderson:

H. B. 381. An act to repeal section 12, chapter 4. of General Statutes, section 2025, Kentucky Statutes, entitled, "Guardian and wards."

Referred to the Committee on Kentucky Statutes.

By Mr. Traver:

H. B. 382. An act to regulate the running of street cars in cities of the first class and second class.

Referred to the Committee on Municipalities.

By Mr. Bishop:

H. B. 383. An act to amend section 59 of article 4 of an act entitled, "An act relating to courts of justice," approved June 10, 1893, also known as section 1085, Kentucky Statutes.

Referred to Committee on Kentucky Statutes.

By Mr. Hobbs:

H. B. 384. An act to repeal section 656, subdivision 2, article 4, of an act entitled, "Corporations, private."

Referred to the Committee on Corporate Institutions.

By Mr. Humphreys:

H. B. 385. An act to fix the hundredweight and ton of hemp and to prescribe a penalty for the violation thereof.

Referred to the Committee on Agriculture and Manufactures.

By Mr. Trimble:

H. B. 386. An act to amend chapter 322 of the the Revised Statutes, entitled, "An act for the government of cities of the third class," approved June 14, 1893.

Referred to the Committee on Municipalities.

By same:

H. B. 387. An act to provide for the payment of a judgment lately recovered by the Mason-Foard Company, against the Commonwealth.

Referred to the Committee on Claims.

By Mr. Weatherford:

H. B. 388. An act to annul an act entitled, "An act to amend an act for the government of cities of the fourth class," approved June 28, 1893, which became a law March 24, 1894.

Referred to the Committee on Municipalities.

By same:

H. B. 389. An act to amend act entitled, "An act for the government of cities of the fourth class," which became a law June 28, 1893.

Referred to the Committee on Municipalities.

H. B. 390. Introduced at request of Humame Society of Covington, Ky.: "An act for the regulation of cities of the second class," pertaining to dog tax.

Referred to the Committee on Agriculture and Manufactures.

By Mr. G. Weissinger Smith:

H. B. 391. An act to amend section 428 of the Civil Code of Practice.

Referred to the Committee on Codes of Practice.

By same:

H. B. 392. An act to amend section 20, article 1, of an act relating to revenue and taxation, which became a law November 11, 1892.

Referred to the Committee on Revenue and Taxation.

By same:

H. B. 393. An act concerning transcript of testimony to be used in the Court of Appeals.

Referred to the Committee on Court of Appeals.

By Mr. Haverly:

H. B. 394. An act to amend and re-enact section 4, of an act entitled, "An act concerning the State Normal School for Colored Persons," approved May 22, 1893.

Referred to Committee on Education.

By Mr. Holland:

H. B. 395. An act to repeal the primary election law.

Referred to the Committee on Suffrage and Elections.

By Mr. Williams:

H. B. 396. An act for the better protection of the Sabbath Day, commonly known as Sunday.

Referred to the Committee on Public Morals.

By Mr. Williams:

H. Res. 21. Joint resolution on behalf of the patriots in Cuba.

Referred to the Committee on Federal Relations.

By Mr. Freeman:

H. B. 397. An act to enable the counties of this Commonwealth to vote a tax in aid of common schools.

Referred to the Committee on Education.

By Mr. Cantrill:

H. Res. 22. Directing the Auditor to draw his warrant upon the Treasurer for \$75 in favor of Percy Haley.

Referred to the Committee on Claims.

By Mr. Bradburn:

H. B. 398. An act to amend section 2, article 1, chapter 75, General Statutes, now section 392, chapter 22, Kentucky Statutes.

Referred to the Committee on Circuit Courts.

By Mr. Chilton:

H. B. 399. An act repealing a special act for the benefit of the Newcastle and Bethlehem, and Newcastle and Gray turnpike, so approved April 3, 1884.

Referred to the Committee on Internal Improvements.

By Mr. Petty:

H. Res. 23. Extending congratulations to Miss Christine Bradley for refusing to use wine or whisky to christen the Battleship "Kentucky."

Referred to the Committee on Public Morals.

By Mr. Bertram:

H. B. 400. An act providing punishment for the fathers of bastards .

Referred to the Committee on Criminal Law.

By same:

H. B. 401. An act to annul section 87, of subdivision 12, of chapter 182, acts 1891-2-3.

Referred to the Committee on Criminal Law.

By Mr. Hobbs:

H. Res. 24. Providing for the purchase of a badge or insignia to be presented to Mexican War veterans.

Referred to the Committee on Municipalities.

By Mr. Hinton:

H. B. 402. An act for the benefit of Lakeland Asylum.

Referred to the Committee on Charitable Institutions.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz:

H. B. 32. An act to amend an act entitled, "An act to assign cities and town of this Commonwealth to classes to which they belong."

H. B. 103. An act to repeal an act entitled, "An act to exclude Crab Orchard Springs from Crab Orchard."

H. B. 134. An act to amend certain provisions of the Kentucky Code of Practice, regulating the competency of witnesses in civil actions, and declaring an emergency.

With an amendment proposed by the Senate for said last named bill.

That they had passed bills which originated in that body of the following titles:

1. S. B. 38. An act to establish the office of physician to the jail in counties containing a population of one hundred and fifty thousand or more.

2. S. B. 47. An act to amend and re-enact an act entitled, "An act fixing the time and terms of circuit courts in counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, so far as the same applies to the twenty-third circuit court district.
3. S. B. 85. An act to prevent discrimination by common carriers in the delivery of newspapers.
4. S. B. 90. An act to prohibit the seining, etc., in lakes and ponds of another without his consent, and fixing a penalty.
5. S. B. 97. An act for the benefit of ex-sheriffs of this Commonwealth.
6. S. B. 122. An act to amend section 79 of the common school law, and chapter 113, titled "Common schools," and section 4543 of the General Statutes, acts of 1894.
7. S. B. 130. An act to repeal chapter 1445, entitled, "An act to amend an act to prohibit the sale of spirituous, vinous and malt liquors in the counties of Laurel, Rockcastle, Jackson, Owsley and Clay," approved May 12, 1884.
8. S. B. 134. An act fixing a penalty against school superintendents for a failure to perform certain duties provided for in section 14 of sessions acts of 1891-2-3, approved May 9, 1893.
9. S. B. 152. An act to amend and re-enact section 10, article 1 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.
10. S. B. 145. An act to further regulate elections.
11. S. B. 156. An act to amend and re-enact sections 4, 6 and 8 of an act entitled, "An act relating to and providing for a Court of Appeals," approved June 17, 1893.

Ordered that said bills be referred: The first to the Committee on Kentucky Statutes, the third to the Committee on Corporate Institution, the second to the Committee on Circuit Courts, the fourth to the Committee on Criminal Laws, the fifth to the



Committee on Revenue and Taxation, the sixth to the Committee on Education, the seventh to the Committee on Public Morals, the ninth to the Committee on Corporate Institutions, the tenth to the Committee on Suffrage and Elections, and the eleventh to the Committee on Court of Appeals, the eighth to the Committee on Agricultural and Mechanical College.

The House took from the orders of the day:

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice, regulating the competency of witnesses in civil actions, and declaring an emergency.

With the amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	W. H. Ragland,
Bruce Adkins,	J. A. Ingram,	J. S. Robey,
B. W. Bradburn,	J. P. Jeffries,	S. Atwood Smith,
J. L. Brown,	R. C. Jarnagin,	G. Weissinger Smith,
Geo. H. Bishop,	D. D. Lykins,	F. G. Shepherd,
A. Bertram,	Joseph F. Laufer,	J. A. Small,
W. H. Cole,	J. M. Lee,	Andrew Sargent,
Reuben Conner,	J. R. Mallory,	O. P. Searcy,
A. H. Charlton,	J. D. Mocquot,	Miles Spurlock,
W. W. Combs,	Reuben Morris,	Waller Sharp,
T. W. Clark,	J. R. Mount,	G. B. Stout,
J. E. Cahill,	W. J. Mears,	Ham. Shehan,
J. Morgan Chinn,	Noah Marsee,	B. F. Saunders.
John Collins,	John M. Moore,	A. J. Thompson,
A. S. Denton,	W. H. McKee,	Frank M. Tracy,
Claude Desha,	F. May,	South Trimble,
J. B. Depp,	J. H. Minor,	George Traver,

W. W. Gill,	W. A. Morris,	H. S. Vanzant,
W. C. Holland,	J. Mc. Meloan,	L. E. Weatherford,
C. W. Haverly,	M. F. North,	C. A. Wilson,
J. A. Humphreys,	Chas. F. Ogden,	C. B. Wheeler,
W. C. G. Hobbs,	Michael O'Sullivan,	R. E. Watkins,
James M. Hall,	L. J. Owens,	R. C. Walker,
J. H. Hall,	W. C. Pike,	David Woods,
J. P. Haswell, Jr.,	A. B. Pieratt,	J. D. Wills,
W. B. Henderson,	L. C. Rawlings,	Jas. H. Williams-79.
G. W. Hickman,		

Those who voted in the negative were:

W. T. Chilton,	Chas. Aaron Nelson,	R. E. Richardson,
M. T. Freeman,	V. Perkins,	E. H. Read-7.
R. C. Myers,		

Resolved, That said bill do pass as amended, and that the title thereof be as aforesaid.

Mr. Charlton entered a motion to reconsider the vote by which the House rejected:

H. B. 73. An act to amend chapter 29, article 35, section 6, of the General Statutes, session acts of 1884, the same being section 1304 of Kentucky Statutes, entitled, "Liquor selling illegally."

Mr. Henderson moved the adoption of a resolution providing for afternoon sessions on certain days.

Ordered that said resolution be referred to the Committee on Rules.

Mr. Bishop moved the adoption of a resolution in regard to needed appropriation for repair of Daniel Boone monument in Frankfort cemetery.

Ordered that said resolution be referred to the Committee on Kentucky Statutes.

Mr. Hinton, from the Committee on Charitable Institutions, submitted the following report, which was read and ordered spread upon the Journal, viz:

REPORT OF THE COMMITTEE ON CHARITABLE  
INSTITUTIONS.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE:

Your committee on charitable institutions, as directed by your honorable body, have completed their investigation of the grounds, buildings, furnishings, etc., of the various charitable institutions of the State and desire to submit the following report:

*Eastern Kentucky Asylum for the Insane.*

We visited the Eastern Asylum at Lexington, and found that some of the buildings are old and in bad repair.

The system of sewerage is bad and a new sewer very much needed.

The plumbing is also in bad condition and should be improved.

The ventilation in some portions of the building is by no means good and could be remedied by the making of some new windows and transoms.

There is also very great need for a new plant for lighting the buildings.

The cold storage system is not wholesome and should be remodeled.

There is also very great need for a new building to be used as a hospital.

Some concrete paving and other minor repairs are very much needed about the kitchen department.

This institution has over eight hundred inmates, and is the oldest of its kind in our State and is one of the oldest in the United States.

The largest part of the buildings being of an old style and located on low ground can hardly be remodeled so as to give them the free light and ventilation as is obtained in the modern architecture, such as we have at the Lakeland and Hopkinsville institutions. But by judicious repairs the condition can be and should be much improved.

We think the improvements asked for in the petition of the commissioners of this institution are much needed, and in our judgment the amount asked by them will be no more than is necessary to make these repairs in the proper way, and we would respectfully recommend that their petition be granted.

*Lakeland Asylum for the Insane.*

We also visited the Lakeland Asylum and found the building and grounds in splendid condition, and very little improvement necessary.

There are about one thousand two hundred inmates. The buildings here are new and in every way built on modern principles, and we consider it the best constructed of all the State institutions. It has splendid ventilation, and a good electric light plant and is now having built an ice factory and cold storage system which will be of great benefit.

We think there is a portion of the plumbing that should be replaced with more modern appliances.

The board of commissioners have suggested a plan which would greatly improve the sanitation of their sewerage system. This plan would involve the purchase of a small tract of adjacent land and the laying of some new pipe.

We consider this a very advisable improvement and would recommend that an appropriation be made for such purpose.

*Western Kentucky Asylum for the Insane.*

We visited the Asylum at Hopkinsville and found the buildings and grounds there in good condition. Some new and

substantial buildings have just been completed that will prove very valuable additions and will accommodate about two hundred more in addition to the six hundred and thirty inmates now there. This will give the institution plenty of room which has been so much needed.

There will soon be completed, at an expense of about nineteen thousand dollars, a new steam apparatus which will heat all the old and new buildings. These and other improvements provided for in a former appropriation of about sixty-five thousand dollars are now about completed and when finished will place the institution in first-class condition.

*Kentucky Institution for the Education of the Blind.*

At Louisville we visited the Blind Institute and found that the grounds and buildings are already in good condition and that there is a new addition being built that will add greatly to the facilities of this institution.

The one hundred and twenty-one inmates are still very much crowded and if the State can some time in the near future provide more room it would add materially to the usefulness of this institution. However, under its already hampered circumstances its work is of the very highest credit to the State, and every member of this body as well as every citizen of the State may be proud of such work, and ought to have no hesitancy in recommending that all blind children be sent to this institution for an education.

It was with the greatest pride that this committee witnessed the training and work of the blind children here and all were very much impressed by the visit.

*Deaf and Dumb Institute.*

The Deaf and Dumb Institute at Danville has good substantial buildings, but they are not large enough to fully accommodate the inmates now there, numbering about three hundred.

This institution is doing excellent work. The inmates are trained in some of the trades and taught to do work that is put to practical use, such as making shoes for the inmates, doing the carpenter work and printing for the institution, thus fitting some of the pupils for the business of life after they leave the institution. It would be very beneficial if the institution could be equipped for training the pupils in some other branches of trade, especially that of tailoring.

There are about fifty acres of good land in connection with the institution. Part of this is used for cultivation and part for dairy use, the greater part of the garden work being done by the colored inmates.

The board of commissioners are very desirous of relieving their very crowded condition and have plans for a new building for which they prefer to wait rather than to attempt to make incomplete additions to the present building. We feel that the new building would be an honor to the State and should be built as soon as the finances of the State will permit.

#### *The Feeble-minded Institute.*

We find the Feeble-minded Institute at Frankfort in possession of a new building splendidly equipped with all the latest appliances.

There are here about one hundred and twenty-four inmates, and they are shown the very best of care, and all who are capable of performing any labor are taught the manufacture of some simple articles or any useful occupation that can be performed by them in their unfortunate condition.

We, your Committee on Charitable Institutions, after investigating the various charitable institutions of the State, would respectfully recommend that the allowances and per capita remain unchanged.

In conclusion we would add that all the commissioners of these various institutions are taking great pride in their work, and show the deepest interest in the care of these unfortunates.

numbering about three thousand two hundred in these six institutions.

The commissioners met your committee at these different places and showed every courtesy and greatly assisted in our investigations.

The State is to be congratulated that such men constitute these commissions and our people should be very grateful to these gentlemen who, without any compensation, devote so much time and energy to their duties and render such excellent service.

D. T. HINTON, Chairman.

W. T. CHILTON, Secretary.

The hour of 11 o'clock A. M. having arrived, the House took up for consideration the special order for that hour, viz:

H. B. 123. An act to amend and re-enact section 189 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, the same being section 2974 of the Kentucky Statutes.

Mr. Cantrill moved sundry amendments to said bill.

Said amendments were adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the section of statute named in the title of this act be, and the same is hereby amended and re-enacted so as to read as follows, viz:

"When a city of the first class establishes and maintains a system of common schools, which all applying for instruction are permitted to attend free of charge, the same shall be deemed one school district for taxation purposes, and entitled to its proportion of the school fund. Such city shall, through its proper officers, deputed for that purpose, make its annual

report to the Superintendent of Public Instruction at the time and in a similar manner to that required of trustees of other districts. They shall also take the census of children of school age in the district each year, and make returns thereof to the Superintendent of Public Instruction, at the same time other school trustees are required to make their returns, and shall, for neglect of their duties in that respect, be liable to the same penalties. The board shall appoint a sufficient number of enumerators to take the census within the time required by law, provided, however, that the board of education shall be allowed thirty additional days, if in their opinion they deem it necessary for an accurate and complete census, each enumerator to be at least 21 years of age, and a bona fide resident of the ward whose territory, or a part of whose territory he is appointed to enumerate, and to take an oath or affirmation that he will take the census accurately and truly, to the best of his skill and ability. The census shall be returned by wards, each block of which shall be enumerated on a separate list or lists, the street and number of residence of each person so listed to be given. The lists shall be made out in duplicate, one to be filed with the school board, and one to be forwarded to the Superintendent of Public Instruction as aforesaid. No enumerator shall take the census of any child not residing in the territory to which he is assigned, nor shall more than one enumerator be assigned to the same territory; Provided, however, That this shall not be construed so as to prevent the board of education from filling any vacancy caused by removal, resignation, or for any other causes. They shall not include in the census any person residing temporarily in the city for the purpose of attending school, or who are members of a family staying temporarily in the same, but whose actual residence is elsewhere; nor shall they enumerate others who reside in the city temporarily for whatever purpose, but whose parents or guardians reside elsewhere. They shall not include in the census any child that has been adjudged an idiot, that is blind, deaf and dumb, or that is in attendance at the State's institu-



tion for the feeble-minded. In case any parent or guardian, head of family or other person having charge of any child entitled to school privileges, shall refuse to report to the enumerator any facts required herein, necessary to a full and accurate census, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than twenty-five dollars. Each enumerator shall, when making returns of said census to the proper officers, make affidavit or affirmation that he has taken and returned the enumeration in accordance with the provisions of this act, to the best of his knowledge and belief, and that such list contains the names of all persons entitled to be enumerated and no others. Each oath or affirmation provided for in this section shall be made a part of the blanks on which the census is taken, and a matter of record in both the office of the school board and that of the Superintendent of Public Instruction. Each enumerator shall be allowed reasonable compensation per diem for services, to be paid out of the school fund of said city. Any school officer, or other person appointed as enumerator, or any officer through whose hands the school census required by this act shall pass, who shall knowingly enumerate persons not entitled to be listed, or who shall, in any manner, add to or take from the number actually enumerated, shall in addition to being liable to punishment for the crime of false swearing, be deemed guilty of a misdemeanor, and, upon conviction of such offense, shall be fined in any sum not less than five nor more than one hundred dollars, or imprisoned in the county jail not less than ten nor more than thirty days, in the discretion of the court. The county superintendent of the county in which such cities are located, shall have no control over the schools in such districts, but the same shall be governed in all respects as herein provided.

Sec. 2 An emergency, within the meaning of the Constitution, is hereby declared to exist in the necessity for this act to go into effect on or before the first day of April next, so as to prevent friction in the matter of taking the census herein pro-

vided, and also to insure a fair and equitable census in cities of this class, on a basis of which to distribute the school fund of the State for the ensuing scholastic year; therefore, this act shall take effect from and after its passage, and all laws and parts of laws in conflict with its provisions are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz: .

Those who voted in the affirmative were:

Bruce Adkins,	J. A. Ingram,	L. C. Rawlings,
B. W. Bradburn,	D. D. Lykins,	W. H. Ragland,
A. C. Brown,	J. M. Lee,	R. E. Richardson,
J. L. Brown,	J. R. Mallory,	E. H. Read,
A. Bertram,	Reuben Morris,	J. S. Robey,
W. H. Cole,	J. R. Mount,	F. G. Shepherd,
Reuben Conner,	W. J. Mears,	J. A. Small,
W. W. Combs,	R. C. Myers,	Andrew Sargent,
W. T. Chilton,	Noah Marsee,	O. P. Searcy,
J. C. Cantrill,	John M. Moore,	Miles Spurlock,
J. E. Cahill,	W. H. McKee,	G. B. Stout,
J. Morgan Chiun,	F. May,	Ham. Shehan,
John Collins,	J. H. Minor,	B. F. Saunders,
A. S. Denton,	W. A. Morris,	A. J. Thompson,
Claude Desha,	J. Mc. Meloan,	George Traver,
J. B. Depp,	M. F. North,	H. S. Vanzant,
M. T. Freeman,	Chas. Aaron Nelson,	L. E. Weatherford,
W. W. Gill,	Emmett Orr,	C. A. Wilson,
W. C. Holland,	Michael O'Sullivan,	C. B. Wheeler,
C. W. Haverly,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	W. C. Pike,	R. C. Walker,
J. P. Haswell, Jr.,	V. Perkins,	J. D. Wills,
W. B. Henderson,	A. B. Pieratt,	Jas. H. Williams-70.
G. W. Hickman,		

Those who voted in the negative were:

M. Abele,	James M. Hall,	Chas. F. Ogden,
T. H. Armstrong,	Anderson Hatfield,	S. Atwood Smith,

George H. Bishop,	J. P. Jeffries,	Waller Sharp,
A. H. Charlton,	R. C. Jarnagin,	Frank M. Tracy,
J. S. Hood,	Joseph F. Laufer.	David Woods—17.
W. C. G. Hobbs,	J. D. Mocquot,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the calendar bills of the following titles, viz:

H. B. 221. An act for the benefit of the pauper idiots and lunatics of the State of Kentucky.

H. B. 206. An act to establish the office of physician to the jail in counties containing a population of one hundred and fifty thousand or more.

H. B. 186. An act to amend section 1853 of article 2 of chapter 52 of Kentucky Statutes.

H. B. 210. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

S. B. 18. An act to amend section 127 and 154 of an act entitled, "An act for the government of the cities of the first class," approved July 1, 1893.

H. B. 287. An act to amend section 2, article 1, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894.

H. B. 13. An act to amend an act entitled, "An act to assign cities and towns of this Commonwealth to the classes to which they belong."

H. B. 320. An act to change the assignment of the city of Madisonville, Hopkins county, from the fifth class to the fourth class, and to amend and re-enact an act entitled, "An act to assign cities and towns of the Commonwealth to classes to which they belong."

S. B. 3. An act to amend section 131 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, and being section 3017 of the Kentucky Statutes and relating to the grading of applicants for license in cities of the first class.

H. Res. 16. Resolution providing for amendments of the Constitution of Kentucky.

H. B. 260. An act providing for the payment of Wilhite Carpenter, H. B. Lyons and Jas. Thomas for their services as commissioners in building the branch penitentiary at Eddyville by virtue of an act of the General Assembly of Kentucky, approved April 28, 1884.

H. B. 175. An act to amend section 3119 Kentucky Statutes, said section being section 14, article 5, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky."

Which bills were severally read the second time and placed in the orders of the day.

And then the House adjourned.

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### WEDNESDAY, FEBRUARY 16, 1898.

The House was opened with prayer by Rev. Geo. H. Means, of the M. E. Church, South.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Williams called up the motion heretofore entered by Mr. Charlton to reconsider the vote by which the House rejected:

H. B. 73. An act to amend chapter 29, article 35, section 6 of the General Statutes, session acts 1884, the same being

section 1304 of Kentucky Statutes, entitled, "Liquor selling illegally."

Said motion was adopted.

The question being then taken on the passage of said bill, it was decided in the affirmative.

(See bill in House Journal February 12.)

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Buce Adkins,	G. W. Hickman,	L. J. Owen,
J. L. Brown,	Anderson Hatfield,	E. Petty,
W. H. Cole,	J. A. Ingram,	W. C. Pike,
A. H. Charlton,	J. P. Jeffries,	A. B. Pieratt,
T. W. Clark,	R. C. Jarnagin,	E. H. Read,
W. T. Chilton,	J. H. Lackey,	J. S. Robey,
W. H. Cooke,	D. D. Lykins,	S. Atwood Smith,
John Collins,	Reuben Morris,	Andrew Sargent,
J. B. Depp,	J. R. Mount,	O. P. Searcy,
M. T. Freeman,	J. J. Marquette,	Miles Spurlock,
W. W. Gill,	W. J. Mears,	G. B. Stout,
W. C. Holland,	R. C. Myers,	Ham. Shehan,
C. W. Haverly,	Noah Marsee,	B. F. Saunders,
J. S. Hood,	John M. Moore,	Frank M. Tracy,
J. A. Humphreys,	J. H. Minor,	C. B. Wheeler,
James M. Hall,	W. A. Morris,	R. C. Walker,
J. P. Haswell, Jr.,	M. F. North,	David Woods,
W. B. Henderson,	Michael O'Sullivan,	Jas. H. Williams—54.

Those who voted in the negative were:

M. Abele,	W. C. G. Hobbs,	J. A. Small,
B. W. Bradburn,	J. M. Lee,	Waller Sharp,
A. C. Brown,	J. R. Mallory,	A. J. Thompson,
George H. Bishop,	J. D. Mocquot,	George Traver,

S. B. 3. An act to amend section 131 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, and being section 3017 of the Kentucky Statutes and relating to the grading of applicants for license in cities of the first class.

H. Res. 16. Resolution providing for amendments of the Constitution of Kentucky.

H. B. 260. An act providing for the payment of Wilhite Carpenter, H. B. Lyons and Jas. Thomas for their services as commissioners in building the branch penitentiary at Eddyville by virtue of an act of the General Assembly of Kentucky, approved April 28, 1884.

H. B. 175. An act to amend section 3119 Kentucky Statutes, said section being section 14, article 5, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky."

Which bills were severally read the second time and placed in the orders of the day.

And then the House adjourned.

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WEDNESDAY, FEBRUARY 16, 1898.

The House was opened with prayer by Rev. Geo. H. Means, of the M. E. Church, South.

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The Journal of yesterday was approved.

Mr. Williams called up the motion heretofore entered by Mr. Charlton to reconsider the vote by which the House rejected:

H. B. 73. An act to amend chapter 29, article 35, section 6 of the General Statutes, session acts 1884, the same being

section 1304 of Kentucky Statutes, entitled, "Liquor selling illegally."

Said motion was adopted.

The question being then taken on the passage of said bill, it was decided in the affirmative.

(See bill in House Journal February 12.)

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Buce Adkins,	G. W. Hickman,	L. J. Owen,
J. L. Brown,	Anderson Hatfield,	E. Petty,
W. H. Cole,	J. A. Ingram,	W. C. Pike,
A. H. Charlton,	J. P. Jeffries,	A. B. Pieratt,
T. W. Clark,	R. C. Jarnagin,	E. H. Read,
W. T. Chilton,	J. H. Lackey,	J. S. Robey,
W. H. Cooke,	D. D. Lykins,	S. Atwood Smith,
John Collins,	Reuben Morris,	Andrew Sargent,
J. B. Depp,	J. R. Mount,	O. P. Searcy,
M. T. Freeman,	J. J. Marquette,	Miles Spurlock,
W. W. Gill,	W. J. Mears,	G. B. Stout,
W. C. Holland,	R. C. Myers,	Ham. Shehan,
C. W. Haverly,	Noah Marsee,	B. F. Saunders,
J. S. Hood,	John M. Moore,	Frank M. Tracy,
J. A. Humphreys,	J. H. Minor,	C. B. Wheeler,
James M. Hall,	W. A. Morris,	R. C. Walker,
J. P. Haswell, Jr.,	M. F. North,	David Woods,
W. B. Henderson,	Michael O'Sullivan,	Jas. H. Williams—54.

Those who voted in the negative were:

M. Abele,	W. C. G. Hobbs,	J. A. Small,
B. W. Bradburn,	J. M. Lee,	Waller Sharp,
A. C. Brown,	J. R. Mallory,	A. J. Thompson,
George H. Bishop,	J. D. Mocquot,	George Traver,

Reuben Conner,	W. H. McKee,	L. E. Weatherford,
J. E. Cahill,	J. Mc. Meloan,	C. A. Wilson,
J. Morgan Chinn,	Chas. Aaron Nelson,	R. E. Watkins,
A. S. Denton,	R. E. Richardson,	J. D. Wills—26.
Claude Desha,	F. G. Shepherd,	

Mr. Bradburn, from the Committee on Rules, reported as follows, viz:

Beginning on Thursday, February 18, 1898, this House shall hold two afternoon sessions each week, from 3 o'clock to 5 o'clock, said meetings to be held on Tuesdays and Thursdays of each week, and at said meetings no business shall be considered except bills in the orders of the day.

Said report was adopted.

Mr. Mallory, from the Committee on Criminal Law, to whom the same had been recommitted, reported:

H. B. 44. An act to amend section 1944 of chapter 57 of the Kentucky Statutes, entitled, "Game and birds."

With the expression of opinion that it should not pass.

Mr. Mcquot withdrew an amendment heretofore moved by him to said bill.

Mr. Bradburn moved to lay said bill on the table.

Said motion was adopted.

So said bill was rejected.

Mr. Mallory, from the Committee on Criminal Law, to whom the same had referred, reported:

H. B. 278. An act to prevent mob violence.

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative,



The yeas and nays being demanded thereon by Messrs. Sargent and Haswell, were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. A. Ingram,	J. H. Minor,
John Collins,	J. P. Jeffries,	Andrew Sargent,
J. S. Hood,	R. C. Jarnagin,	H. S. Vanzant,
James M. Hall,	D. D. Lykins,	C. B. Wheeler,
J. P. Haswell, Jr.,	Reuben Morris,	David Woods—17.
Anderson Hatfield,	R. C. Myers,	

Those who voted in the negative were:

M. Abele,	John T. Hinton,	W. H. Ragland,
Bruce Adkins,	W. B. Henderson,	R. E. Richardson,
B. W. Bradburn,	G. W. Hickman,	E. H. Read,
A. C. Brown,	J. H. Lackey,	J. S. Robey,
Geo. H. Bishop,	Joseph F. Laufer,	S. Atwood Smith,
A. Bertram,	J. M. Lee,	F. G. Shepherd,
W. H. Cole,	J. R. Mallory,	J. A. Small,
Reuben Conner,	J. R. Mount,	O. P. Searcy,
A. H. Charlton,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	Waller Sharp,
W. T. Chilton,	Noah Marsee,	G. B. Stout,
W. H. Cooke,	John M. Moore,	Ham. Shehan,
J. E. Cahill,	W. H. McKee,	B. F. Saunders,
J. Morgan Chinn,	W. A. Morris,	A. J. Thompson,
A. S. Denton,	J. Mc. Meloan,	Frank M. Tracy,
Claude Desha,	M. F. North,	South Trimble,
J. B. Depp,	Chas. Aaron Nelson,	George Traver,
M. T. Freeman,	Michael O'Sullivan,	L. E. Weatherford,
W. W. Gill,	E. Petty,	C. A. Wilson,
W. C. Holland,	W. C. Pike,	R. E. Watkins,
C. W. Haverly,	V. Perkins,	R. C. Walker,
J. A. Humphreys,	A. B. Pieratt,	J. D. Wills,
W. C. G. Hobbs,	L. C. Rawlings,	Jas. H. Williams—69.

Mr. Stout, from the Committee on Insurance, to which the same had been referred, reported:

H. B. 246. An act to amend section 14 of article 1, of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, otherwise known as section 551 of the Kentucky Statutes.

By same:

H. B. 377. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, without the approval of the Governor.

Said bills were severally read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Mocquot, from the Committee on Codes of Practice, to which the same had referred, reported:

H. B. 302. An act to amend section 65, title 5, Civil Code of Practice of Kentucky.

Without an expression of opinion.

Said bill was read in full the first time, ordered to be printed, placed on the calendar, and read the second time on some other day.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

1. S. B. 141. An act to authorize cities of the second class to acquire parts of turnpike roads lying within the corporate limits of such cities.
2. S. B. 92. An act to amend section 6, article 1, of chapter 192 of the session acts of 1891-2-3, of an act entitled, "An act relating to claims upon the treasury."
3. S. B. 129. An act to amend and re-enact section 6 of article 1, chapter 210 of the acts of 1891-2-3, entitled, "An act concerning juries, and entitled, 'Juries,'" approved May 22.

1893, now being section 2246 of chapter 74 of the Kentucky Statutes.

4. S. B. 63. An act to amend an act entitled, "An act to provide for the creation and regulation of real estate title insurance companies."

Ordered that said bills be referred: The first to the Committee on Municipalities, the second to the Committee on Claims, the third to the Committee on Circuit Courts, and the fourth to the Committee on Kentucky Statutes.

The following resolution which was adopted January 28, 1898, and which was omitted from the Journal of that day (see page 278), was ordered to be spread upon the Journal of the House, viz:

Since an inscrutable Providence has taken from earth the little daughter and only child of Hon. V. Perkins, Member from Webster county, be it

Resolved, That the Members of the House of Representatives of the Commonwealth of Kentucky deeply sympathize with the bereaved Member and his family, and extend to them sincerest expressions of condolence.

That the clerk of this House be directed to send a copy of this resolution to the wife of the honorable Member.

The hour of 11 o'clock having arrived the House took up for consideration the special order for that hour, viz:

S. B. 67. An act to create a board of penitentiary commissioners and regulate the penal institutions of this Commonwealth.

Ordered that said bill be read the third time.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a board of commissioners is hereby created to govern the penitentiaries of this Commonwealth. Said board shall consist of three members, to be elected by the General Assembly, on or before the tenth day of March, 1898.

One of whom shall hold his office, to be determinud by lot of commissioners elected, for the term of two years, one for the term of four years, and one for the term of six years, or until their successors are elected and qualified. The General Assembly shall in 1900 elect a successor to the commissioner whose time expires in two years from the passage of this act. The General Assembly in 1902 shall elect a successor to the commissioner whose time will expire four years from the passage of this act, and the General Assembly in 1904 shall elect a successor to the commissioner whose time will expire six years from the passage of this act, and each succeeding General Assembly shall at their regular session elect one commissioner who shall hold his office for the term of six years, and who shall, before entering upon the discharge of his duties, execute a bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars for the faithful discharge of his duties; said bond to be approved by the Chief Justice of the Court of Appeals and filed with the Auditor of Public Accounts. Said commissioners shall each receive, as compensation for their services, two thousand dollars per annum, payable monthly, out of the State Treasury, and traveling expenses when in discharge of their duties. No person shall be appointed to the office of penitentiary commissioner who has not been a citizen of Kentucky continuously for the last five years previous to and up to the time of his election or appointment, and who is not twenty-five years of age, and who is a contractor in the penitentiary, or the agent or employee of any such contractor, or who is interested, either directly or indirectly, in any kind or branch of business in said penitentiary, or who shall at the time hold any other office under the laws of this State, and no such commissioner shall hold any other office or accept any appointment under this or any other law of this State during his continuance in office as such commissioner. Vacancies in such board, ocasioned by death, resignation or otherwise, shall be filled by appointment by the Governor, until the next regular session of the General Assembly, when such vacancy shall be filled by election by the General Assembly.

The General Assembly may at any time remove any or all the members of said board of commissioners, with or without cause.

The duties of said board shall be as hereinafter described.

Sec. 2. A warden for each penitentiary shall be elected by the commissioners of said penitentiaries, who shall hold his office for the term of four years, but the commissioners shall have the power, for cause, to remove any warden and appoint or elect his successor, and the action of said commissioners thereon shall be final and conclusive.

Before entering on the discharge of the duties of the office, the warden shall take the Constitutional oath and execute a covenant to the Commonwealth of Kentucky in the sum of sixty thousand dollars, with two or more good sureties, to be approved by said commissioners, whose duty it shall be to take said bond, and shall file the same with the Auditor for safe keeping, to the effect that he, as warden, shall faithfully discharge and perform all the duties required of him, and all the obligations imposed upon him according to law, and that he shall faithfully account for all money that may come to his hands and pay the same into the State Treasury, when and as required by the commissioners, and that he shall faithfully account for all the property in his hands or under his control, belonging to the State, when he ceases to be warden or is required to do so by said commissioners, and if at any time the commissioners shall deem the sureties on the bond of the warden insufficient, it shall be their duty to require him to give an additional bond, with sufficient security, which additional bond shall in no wise impair, lessen or effect the liability of the sureties on the original bond to the Commonwealth; and if said warden declines, neglects or fails to give such additional bond within thirty days after the said commissioners serve notice on him requiring him to do so, they shall declare the office of warden vacant, and shall fill the vacancy by appointment.

Sec. 3. It shall be the duty of the wardens to take charge of all convicts in the penitentiary, and of all such as may,

from time to time, be delivered to him according to law during his term of service, and them safely keep in the manner prescribed by law. He shall take charge and control of all property belonging to the State in or appertaining to the penitentiaries, and the same to use and employ in the administration of the affairs of the penitentiaries, as provided by law. He shall maintain strict discipline in the management and government of the prisoners, and may enforce the observance of discipline and proper deportment, and also, industry, among the prisoners, by reasonable penalties and punishments; but is prohibited from inflicting cruel or inhuman punishments and no corporal punishment shall be inflicted upon the prisoners, except in the presence of the warden or deputy warden. No corporal punishment shall be inflicted until at least twelve hours have elapsed after the offense has been committed for which the punishment is inflicted. If at any time the labor of the convicts confined in the penitentiaries is not hired out to a contractor or contractors, as herinafter provided, the warden shall employ said convicts, such as are not sentenced to solitary confinement, in useful labor, as far as practicable, such as may be profitably conducted within the prison walls, but he shall not, directly or indirectly, be personally interested in a pecuniary sense in any business or enterprise carried on or conducted in the penitentiaries or by the labor of the convicts. For the violation of this provision, he shall, upon conviction, be fined in any sum not exceeding five hundred and not less than one hundred dollars, and shall be removed from office by the commissioners. If any warden shall take, sell or give any article of property in said penitentiaries belonging to the State, with the felonious intent of converting the same to his own or to the use of another, he shall be deemed guilty of the crime of embezzlement, and, upon conviction, shall be confined in the penitentiary not less than one nor more than ten years. The warden shall reside in the dwelling near the penitentiary belonging to the State, and shall have the same, with its appurtenances, free of rent. The

warden may, with the approval of said commissioners, make such alteration and repairs in the workshops and such repairs in the machinery as may be necessary; but this provision shall not be construed to authorize the erection of any new buildings. It shall also be the duty of the warden, first, to carefully supervise the government, discipline, and police of the penitentiary; second, to give all the necessary directions to the inferior officers and guards, and secure a careful and diligent discharge of their several duties; third, to examine daily into the state of the penitentiary, and the health, diet, comfort and safety of the convicts; fourth, to report quarterly, to said commissioners the number of guards employed, their names and duties, and such other matters as may be required; fifth, to provide all food and clothing necessary for the use of the prisoners, under such rules and regulations as may be made by the board of commissioners, the cost of such supplies to be paid out of the treasury, on proper vouchers, to be approved by said commissioners; sixth, to furnish each convict, upon the termination of his sentence, or his release by pardon, with five dollars and a suit of serviceable clothing, suitable to the season, and with transportation, not transferable, to the county from which he was sent, at the expense of the State; seventh, and generally to have charge of all the departments of the penitentiary and its officers. It shall also be the duty of the warden, at regular intervals, to be prescribed by the commissioners, to inspect and cause to be thoroughly cleaned and aired all the cells, to see that a sufficiency of clean and comfortable bedding is provided for each convict, and he shall cause the cells and beds and bedding to be thoroughly inspected at least once every week.

Sec. 4. The warden shall balance his cash account each month and report the same to the commissioners; and on the first Monday of each month he shall pay into the State Treasury so much of the funds in his hands as, in the opinion of said commissioners, is not required for the current use of the penitentiary. He shall deposit all money remaining in his hands,

not deposited in the treasury, in some bank selected by him, to his credit as warden, and he shall be allowed no credit in the settlement of his accounts unless he shall produce the receipt of the person to whom money was paid by him, which receipt shall show upon its face for what the money was paid; and the books of the warden and his clerks shall at all times be open to the inspection of any committee of the Legislature and to the commissioners.

Sec. 5. The warden shall, with the advice and consent of the commissioners, contract for and purchase all the necessary raw material and all supplies necessary to maintain, conduct and carry on the business of the penitentiary, as provided by this act; and all articles purchased for the penitentiary, and all articles of manufacture, and other things made or fabricated in the penitentiary, by the labor of the prisoners, when the same are sold from time to time, and all work done for others, shall be reported to the clerk of the penitentiary, whose duty it shall be to enter the same in the regular account books of the penitentiary.

Sec. 6. It shall be the duty of the commissioners, if at any time they deem it necessary, to appoint a deputy warden for each penitentiary, who shall hold his office for a term of four years; Provided, He be not removed by commissioners for cause. Before the deputy warden enters upon the discharge of his duties he shall take an oath to faithfully discharge the duties imposed upon him by law. And he shall give bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars, with such sureties (not contractors in said prison) as the said commissioners may approve, which bond shall be conditioned for the faithful discharge of his duties as deputy warden, and said bond shall be deposited for safe keeping with the Auditor of Public Accounts. It shall be the duty of the deputy warden: First, to attend daily at the penitentiary from the hour of unlocking in the morning until after the prisoners are locked up at night; second, in the absence of the



warden from the penitentiary, or during his sickness, the deputy warden shall be present and take general charge of the penitentiary as warden; third, he shall spend the whole day in the general supervision and assistance of the prisoners, direct them in their duties, receive reports from the assistants of all disobedience or violation of the rules by any person connected with the penitentiary, and report the same to the warden; fourth, he shall keep a book in which shall be entered every transgression of the published rules of discipline, with the name of the person or prisoner so guilty, which record shall be submitted to the commissioners at each of their regular meetings; fifth, he shall examine the locks and doors and cells of the penitentiary daily; sixth, he shall constantly be moving about the penitentiary, visiting frequently, but irregularly, and without notice, the work-shop, kitchen, hospital, and all other departments of the penitentiary; seventh, he shall be present and preside at the meals of the prisoners, unless his place is taken by the warden.

The duties to be performed by the deputy warden shall devolve upon one of the guards, to be selected by the warden, in case the deputy warden is absent from the prison, or is unable to perform his duties from any cause; Provided, The warden shall be responsible on his official bond for the conduct of the guard so appointed.

Sec. 7. The commissioners shall appoint a clerk for each penitentiary who shall hold for a term of four years; Provided, He be not removed by the commissioners for cause, who shall keep the accounts of the penitentiary in such manner as to exhibit clearly all the financial transactions relating to it. He shall keep a register of convicts in which shall be entered the name of each convict, the crime for which he was convicted, the date of conviction, date of entry, period of sentence, when discharged, from what county, by what court sentenced, his nativity, an accurate description of his person, and, if known, whether he has been previously confined in the penitentiary

of this or any other State, and when and how he was discharged.

The clerk shall also keep a book in which shall be recorded every punishment inflicted in the penitentiary, specifying the offense committed, the character and extent of the punishment, and its effect upon the prisoners. He shall also keep a book, in which he shall enter, monthly, the deportment of each prisoner and each prisoner against whom no charge of misconduct is sustained, shall be allowed a commutation of seven days in each calendar month for good behavior, subject, however, to revision and curtailment by the commissioners for offenses against the rules of the penitentiary or the laws of the State.

Before entering upon the discharge of his duties, he shall give a bond to the Commonwealth of Kentucky, with good surety, to be approved by the commissioners, for the faithful discharge of his duties, and the payment of all monies that may come to his hands, to the person or persons entitled thereto.

Sec. 8. The commissioners shall appoint a competent and skillful physician for each penitentiary to hold his office for a term of four years; Provided, He be not removed by the commissioners for cause.

He shall attend to and give his entire time to all convicts needing medical treatment, make proper prescriptions, and give proper directions in each case, and determine when convicts shall be able or unable to perform work, subject to appeal to the board. The hospital shall be managed under his direction and he shall prescribe the proper food, nourishment and treatment of the sick, and have a general care over the health of the convicts.

He shall, daily, visit the kitchen, examine the kind and quantity of food which is furnished to the convicts, and recommend to the warden such changes of diet, as he may deem best for the health of the prisoners. He shall obtain a sample of all food and clothing, and exhibit same to board of commissioners. He shall keep a book, to be called a "hospital regis-

ter," in which shall be entered the names of all prisoners sick or complaining who require medical treatment, with the disease of each, and his prescription therefor.

Sec. 9. The commissioners shall appoint a chaplain for each penitentiary to hold his office for a term of four years; Provided, He be not removed by the commissioners for cause, whose duty it shall be to preach to the convicts, male and female, every Sunday, to furnish them proper religious instruction, to visit those who are sick or despondent, and to use his best exertions to promote the religious and moral welfare of the prisoners, as well as the harmony and general interests of the penitentiary; but any regular authorized minister of the gospel may visit the penitentiary and minister to the spiritual necessities of the prisoners on the first day of the week, and may visit the hospital on any day, under such rules and regulations as may be adopted for the penitentiary.

Sec. 10. It shall be the duty of the chaplain to hold himself in readiness to teach such convalescents or others, whose task being performed within less than the required hours of labor, might wish to avail themselves of his assistance, either for spiritual instruction or to try to acquire an elementary education, and the chaplain shall be required to devote his entire time, work-days as well as Sundays, to the performance of these duties.

Sec. 11. It shall be the duty of the warden to appoint such guards as may be necessary to safely guard the prisoners, to carry out the government of the penitentiary, and enforce the rules and regulations, prescribed by the commissioners, and execute the orders of the warden, the appointments to be subject to the approval of the board of commissioners, who shall have power to reject such appointments for any cause, which shall be entered on the minutes of the board in writing.

The warden shall have power, at any time, to remove any such guards with the consent of the commissioners.

Sec. 12. If any of the guards or other officer of the penitentiary, or other person than a convict, shall procure, aid or abet any of the convicts therein to escape therefrom, or shall induce or persuade or attempt to induce or persuade, any of the convicts therein to escape or to attempt to escape, every person so offending shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years.

Sec. 13. It shall be the duty of the commissioners to hire out to a contractor or contractors, all the convicts able to perform manual labor, to be worked within the walls of the penitentiaries. Such hiring shall be to the highest and best bidder, after due advertising, and the labor in both penitentiaries may be hired to one person, or the labor, in whole or in part, in each penitentiary may be hired to different contractors. The commissioners shall make it a condition precedent to the consummation of the contract, that the number of the convicts so hired may vary, and such variation in number shall in no wise affect the contract or impair its obligation. Each bid shall specify the price proposed to be paid for the labor per head, and shall be accompanied by a bond with sureties, who shall be worth in the aggregate double the amount that may be due the State at any time under the stipulations of the proposed contract to the satisfaction of the commissioners, that the bidder will comply with the terms thereof. The bids shall be opened by the commissioners on the last day named in the advertisement for receiving the same, and be awarded to the highest and best bidder; the commissioners having the right to reject all bids. The price agreed to be paid shall be paid in monthly or quarterly installments by the contractor, as the commissioners may determine; and it is hereby made a condition precedent to the contract that on failure of lessee or lessees to pay any installment within one month after same is due, the commissioners may elect to declare the lease forfeited for non-payment of rent, giving the lessees thirty days' notice in writing declaring a forfeiture

thereof, and the commissioners may take possession without further notice. The term for which said convicts may be hired shall not be more than four years, with the privilege of renewal, and the contractor shall obligate himself to faithfully conform to all the rules and regulations that may be established by the commissioners touching all sanitary and police matters, and for the government of the prison. Upon the execution of the bond, as above required, on the acceptance of the bid, the contractor shall be entitled to the labor of said convicts, the various shops, and the power therein, belonging to the State; but if after due advertisement, as set forth above, the commissioners fail to secure such a bid as is acceptable to them, then they may hire the convicts to a contractor or contractors by private contract, and such contracts when made shall be consummated in all respects, and shall contain the same stipulations and provisions, as is required in this section, for a contractor who hires said convicts by public bids.

Whenever the bond of any contractor shall be deemed insufficient by said commissioners, they shall require such additional security as may be necessary to make the bond to the State amply good and sufficient. The commissioners shall have the power to furnish for the use of the prisoners such reading matter, of a religious, literary and scientific character, as in their judgment will tend to develop the moral and business character of the prisoners, and for which purpose one hundred dollars per annum is hereby appropriated out of any money in the treasury not otherwise appropriated.

Sec. 14. For every breach of any of the conditions of the bond or contract executed by any contractor, suit may be instituted thereon against said contractor or contractors and their sureties, in the name of the Commonwealth, in the Franklin Circuit Court.

Sec. 15. All prisoners hired under the contract, as herein provided, shall remain under prison police and government; and persons who are not convicts shall not associate with the pris-

oners so hired, or any of the prisoners, except the contractor or his agent, and such foreman and skilled mechanics as shall be necessary to conduct the business; all of whom, however, shall be required to observe the rules of the penitentiary, and any may be expelled for a failure to do so.

Sec. 16. In the event of failure, after faithful effort to hire the labor of the convicts, as herein required, and it becomes necessary for the warden to carry on the business of the penitentiaries, then the said commissioners shall furnish the wardens with such amount of money out of the State Treasury as may be expended out of an appropriation of \$300,000, under an act of the General Assembly of this Commonwealth approved May 5, 1893. From time to time, as may be needed to place the institutions, or either of them, on proper footing for successful operation, or so much thereof as may be necessary, is hereby appropriated out of any fund in the State Treasury not otherwise appropriated to be paid out by the Treasurer on warrants of the Auditor, which warrants shall be issued by the Auditor only at such times and for such amounts as the commissioners may, by the order of the board, direct. The business of the institution shall be conducted as near as possible on the cash system, and no account of the work done or articles sold shall be permitted to run longer than four months. Actions or suits for the recovery of money upon any debt demand or claim for work done by labor of the convicts, or for manufacturers, or for articles sold, or upon any contract made with the warden, shall be brought and prosecuted in the name of the Commonwealth of Kentucky in the Franklin Circuit Court, and the affidavit of the clerk of the prison certifying that such debt, claim or demand is just and correct, shall be prima facie evidence that the same is justly due and owing, and the onus shall devolve upon the defendant or contesting party to prove the contrary.

Sec. 17. Any contractor for the labor inside the walls of the prison may, with the advice and consent of the commis-

sioners, introduce such machinery in the prison as may be necessary to conduct any business or manufacture inside the prison, but such business shall not be destructive to the health of the convicts, and under the termination of his contract, such contractor shall have the right to remove such machinery or be paid for the same by the State at its fair cash value.

Sec. 18. Before entering upon the discharge of their duties under this law, the commissioners shall take an oath to faithfully and impartially discharge the same to the extent of their ability.

When any duty is required of them in this law, it shall be competent for a majority of them to act, if all can not be present and participate, except as the appointment of the officials and in the advertisement for acceptance of bids, and making contracts and taking bond from contractors for the labor of the convicts.

As to these matters, all of said commissioners must participate, unless prevented by unavoidable casualty.

It shall be their duty to formulate and prescribe for the use of the penitentiaries all needful regulations and by-laws for the government and discipline of the penitentiary, the rules for government and conduct of the warden, deputy warden and all the officials connected with the penitentiary; also for the government of the prisoners in their deportment and conduct. They shall prescribe the character of the food and diet of the prisoners. They shall also prescribe all needful rules for the preservation of the health of the convicts, for the daily cleansing of the penitentiary, for the cleanliness of the persons of the convicts, and for the general sanitary government of the penitentiary and the prisoners in all particulars, the character of the labor, the character and quantity of food and clothing, and the length of time during which the convicts shall be daily employed.

It shall be the duty of at least one of their number to visit each of the penitentiaries each day, and at least once a

month in a body, for the purpose of examining the condition of the penitentiaries, the management and condition of the convicts, and whether or not the rules are being obeyed and enforced.

They shall hold stated monthly meetings on the first Tuesday in each month, and such call meetings as the chairman, or any two of its members, may demand; and shall keep, in a book kept for that purpose, a full record of their proceedings. They shall cause the rules and regulations prescribed by them, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places within the cell houses and in the work-shops.

It shall also be their duty to keep in repair the penitentiaries, and, if at any time, the same should be so seriously out of repair as to render delay imminently dangerous, may make such expenditures as are necessary to fully protect the State's property.

They shall cause the convicts to be classified so that the old and hardened criminals shall not be thrown with the youthful criminals, so far as the same can be done without in any way interfering with the free use of all the convicts that may be hired to any contractor or contractors.

Sec. 19. The salaries of the wardens, deputy wardens, physicians, chaplains, and the wages of the guards shall be paid monthly out of the State Treasury, and the Auditor of Public Accounts shall draw his warrant upon the treasury therefor, in favor of each of said officials, upon the written order of the chairman of the commissioners, and they shall respectively receive the following salaries, to-wit:

The warden, two thousand dollars per annum; the deputy warden, one thousand two hundred dollars per annum; the physician one thousand two hundred dollars per annum; the clerk, one thousand two hundred dollars per annum; the chaplain, one thousand two hundred dollars per annum; the guards or assistants for each penitentiary, sixty dollars each per month.



No official connected with the penitentiaries shall be directly or indirectly, connected or concerned with any contract for furnishing the warden or any contractor any materials for manufacture or use in the penitentiary, or any supplies or produce to be used in the penitentiary or by the convicts, in any way whatever, and they shall not be interested in a financial way, with any business carried on by convict labor. For a violation of the provisions of this section the official so violating shall be, for each offense, fined one thousand dollars.

Sec. 20. The warden and clerks of the penitentiary shall once in each year, and oftner if so required by the commissioners, at such time as the commissioners may appoint, make a full general settlement of their account vouchers and books with said commissioners, who shall annually report said settlement, together with all other matters pertaining to said penitentiaries and management of same, to the Governor, which report shall be laid before the next General Assembly.

The said commissioners are hereby directed and empowered to examine into all existing contracts for labor of convicts or sale of manufactured products of the penitentiaries, and if they find that they are not beneficial to the State, or that the contracts have in any way been violated, they are directed to annul such contract, and, if necessary, by legal proceedings in the name of the Commonwealth. For the purpose of paying salaries of officers, guards, and all other employees provided for in this bill and carrying out other provisions thereof, the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon any funds in the treasury, not otherwise appropriated, upon written request of the board of commissioners; entries of this must be made in a book kept especially for the purpose, and attested by the clerk.

Inasmuch as the present contract as to the use of convicts demand immediate attention and revision, an emergency is declared to exist, and this act shall take effect from its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	L. C. Rawlings,
T. H. Armstrong,	J. H. Lackey,	W. H. Ragland,
A. C. Brown,	Joseph F. Laufer,	R. E. Richardson,
J. L. Brown,	J. M. Lee,	J. S. Robey,
George H. Bishop,	J. R. Mallory,	S. Atwood Smith,
A. Bertram,	J. R. Mount,	G. Weissinger Smith,
Reuben Conner,	J. J. Marquette,	F. G. Shepherd,
W. W. Combs,	W. J. Mears,	J. A. Small,
T. W. Clark,	John M. Moore,	O. P. Searcy,
W. T. Chilton,	W. H. McKee,	Miles Spurlock,
W. H. Cooke,	W. A. Morris,	Waller Sharp,
J. C. Cantrill,	M. F. North,	G. B. Stout,
J. E. Cahill,	Chas. Aaron Nelson,	Ham. Shenan,
A. S. Denton,	Emmett Orr,	B. F. Saunders,
Claude Desha,	Michael O'Sullivan,	A. J. Thompson,
J. B. Depp,	L. J. Owen,	Frank M. Tracy,
W. W. Gill,	Harry C. Pulliam,	South Trimble,
W. C. Holland,	E. Petty,	George Traver,
J. A. Humphreys,	W. C. Pike,	C. A. Wilson,
W. C. G. Hobbs,	V. Perkins,	J. D. Wills,
W. B. Henderson,	A. B. Pieratt,	Jas. H. Williams-63.

Those who voted in the negative were:

M. Abele,	Anderson Hatfield,	J. Mc. Meloan,
B. W. Bradburn,	J. A. Ingram,	Chas. F. Ogden,
W. H. Cole,	J. P. Jeffries,	E. H. Read,
A. H. Charlton,	R. C. Jarnagin,	Andrew Sargent,
J. Morgan Chinn,	D. D. Lykins,	H. S. Vanzant,
John Collins,	Reuben Morris,	L. E. Weatherford,
M. T. Freeman,	R. C. Myers,	C. B. Wheeler,
C. W. Haverly,	Noah Marsee,	R. E. Watkins,

J. S. Hood,	F. May,	R. C. Walker,
James M. Hall,	J. H. Minor,	David Woods—31.
J. P. Haswell, Jr.,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Trimble moved to reconsider the vote by which said bill was passed, and moved to lay that motion on the table.

Said last named motion was adopted.

And then the House adjourned.

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THURSDAY, FEBRUARY 17, 1898.

The House was opened by prayer by Rev. Geo. H. Means, of the M. E. Church, South.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Moore, moved the adoption of a resolution, expressing sympathy for the Cuban patriots.

Ordered that resolution be referred to the Committee on Judiciary.

Mr. Abele moved the adoption of a resolution restricting the time of speeches delivered by members.

Ordered that said resolution be referred to the Committee on Rules.

Mr. Stout from the Committee on Insurance, reported a bill originated by the committee of the following title:

H. B. 403. An act to amend sections 256, 257, 258, 259, 261, 262 and 263 of an act entitled, "An act providing for

creation and regulation of private corporations," which became a law April 5, 1893.

Which bill was read the first time in full, ordered to be placed on the calendar and read the second time on some other day.

The committees to which the same had been referred, reported bills of the following titles.

By Mr. Desha, from the Committee on Corporate Institutions:

S. B. 44. An act to amend and re-enact section 1, of chapter 31, of an act entitled, "An act providing for the creation and regulation of private corporations," approved March 21, 1896.

By same:

S. B. 93. An act to amend section 78, of article 3, chapter 171, of act of sessions 1891-2-3, entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By same:

H. B. 225. An act to amend an act entitled, "An act for the creation and regulation of private corporations," which became a law without the approval of the Governor April 5, 1893.

By same:

H. B. 303. An act to define trusts and to provide for penalties and punishments of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Kentucky.

By same:

H. B. 348. An act giving effect to so much of section 199, of the Constitution of the Commonwealth of Kentucky, as provides for the right to construct and maintain lines of telegraph in this State.

By same:

H. B. 357. An act to protect persons, firms, associations, unions, corporations in their labels, trade-marks and forms of advertising, and providing penalties.

By same:

H. B. 384. An act to repeal section 656, subdivision 2, article 4, of an act entitled, "Corporations, private," approved April 5, 1893.

By Mr. Stout, from the Committee on Insurance:

H. B. 403. An act to amend sections 256, 257, 258, 259, 261, 262 and 263 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By Mr. Walker, from the Committee on Suffrage and Elections:

H. B. 126. An act to allow towns where no registration is required to hold separate elections.

By same:

H. B. 119. An act to amend section 1482 of the acts of the General Assembly of the Commonwealth of Kentucky, entitled, "Elections," approved June 30, 1892.

By same:

S. B. 145. An act to further regulate elections.

Which bills were severally read the first time in full, ordered to be printed and placed on the calendar and read the second time on some other day.

Mr. Cooke, from the Committee on Public Office and Library, to which the same had been referred, reported:

H. B. 178. An act to restore the defacements on, and further protect the grave of Daniel Boone in the Frankfort cemetery.

By Mr. Walker, from the Committee on Suffrage and Elections;

H. B. 395. An act to repeal the primary election law.

By same:

H. B. 333. An act to amend and re-enact section 4, of article 12, of an act entitled, "An act to regulate elections in this Commonwealth," approved June 30, 1892.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time the opinion of the committee to the contrary notwithstanding it was decided in the negative.

The yeas and nays being demanded on the last named bill by Messrs. Haswell and Jeffries, were as follows, viz:

Those who voted in the affirmative were:

W. H. Cole,	J. P. Haswell, Jr.,	F. May,
J. E. Cahill,	Anderson Hatfield,	J. H. Minor,
John Collins,	J. A. Ingram,	Chas. F. Ogden,
J. B. Depp,	J. P. Jeffries,	L. C. Rawlings,
M. T. Freeman,	D. D. Lykins,	E. H. Read,
C. W. Haverly,	Reuben Morris,	Andrew Sargent,
J. A. Humphreys,	R. C. Myers,	H. S. Vanzant,
James M. Hall,	Noah Marsee,	David Woods—25.
J. H. Hall,		

Those who voted in the negative were:

M. Abele,	Joseph F. Laufer,	R. E. Richardson,
Bruce Adkins,	John M. Letterle,	J. S. Robey,
B. W. Bradburn,	J. M. Lee,	S. Atwood Smith,
A. Bertram,	J. R. Mallory,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mount,	J. A. Small,
W. W. Combs,	J. J. Marquette,	O. P. Searcy,
T. W. Clark,	John M. Moore,	Miles Spurlock,
W. T. Chilton,	W. H. McKee,	G. B. Stout,

W. H. Cooke,	W. A. Morris,	Ham. Shehan,
J. Morgan Chinn,	J. Mc. Meloan,	B. F. Saunders.
A. S. Denton,	M. F. North,	A. J. Thompson,
Claude Desha,	Chas. Aaron Nelson,	L. E. Weatherford,
W. W. Gill,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	W. C. Pike,	R. E. Watkins,
W. C. G. Hobbs,	V. Perkins,	R. C. Walker,
W. B. Henderson,	A. B. Pieratt,	J. D. Wills,
J. H. Lackey,	W. H. Ragland,	Jas. H. Williams—51.

So said bill was rejected.

A message was received from the Senate announcing that they had passed:

S. B. 151. An act to amend an act entitled, "An act to protect citizens of this Commonwealth from empiricism," approved April 10, 1893.

Ordered that said bill be referred to the Committee on Judiciary.

The House took from the calendar bills of the following titles, viz:

1. H. B. 203. An act to abolish the office of assistant sergeant-at-arms, tipstaff and janitor of the Court of Appeals.
2. H. B. 116. An act to repeal charters of State banks and other institutions of loan and discount.
3. H. B. 233. An act to amend section 3706. article 7, chapter 29, of Kentucky Statutes, entitled, "Municipal corporations."
4. H. B. 216. An act to amend and re-enact section 1107, chapter 35, Kentucky Statutes, being section 81, article 7, subdivision 2, of an act entitled, "An act relating to courts of justice," approved June 10, 1892.
5. H. B. 289. An act to appropriate five hundred dollars to mark and preserve the graves of the Confederate soldiers who were slain at Perryville, Ky.

6. H. B. 39. An act entitled, "An act to amend an act entitled, 'An act whereby the sense of the people in any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein,'" approved March 10, 1894.
7. S. B. 39. An act requiring any person, persons or corporation within this Commonwealth who are now or may hereafter be engaged in the manufacturing, buying or selling or in any way handling mixed flour, to label or brand each and every barrel or package with the ingredients therein contained.
8. H. B. 244. An act to amend chapter 103, article 2, section 9, of session acts 1892, entitled, "An act relating to revenue and taxation."
9. H. B. 291. An act to amend section 109, chapter 1, title 6, of the Code of Practice in criminal cases.
10. S. B. 62. An act to prevent and punish criminal abortion.
11. H. B. 292. An act to amend sections 6 and 7, of an act entitled, "An act to amend the provisions of the Civil Code of Practice concerning injunctions," approved March 27, 1894.
12. H. B. 373. An act to amend an act for the benefit of Caseyville and Lindle districts, and authorizing said districts to fund and compromise their indebtedness, etc., approved March 27, 1880.
13. H. B. 327. An act to repeal chapter 1662, of the acts of the General Assembly of the Commonwealth of Kentucky, session acts 1889-90, which became a law May 20, 1890, without the approval of the Governor, and which is entitled, "An act to prohibit the sale of spirituous, vinous, malt or intoxicating liquor or the mixture of either, in the county of Morgan, and to prescribe a penalty therefor."

Which bills were severally read the second time and placed in the orders of the day.



The House took from the orders of the day:

H. B. 250. An act to empower county judges to post public roads.

Mr. Humphreys moved to amend said bill by striking out the emergency clause.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That county judges in this Commonwealth shall have the power of posting any road or roads in any magisterial district in his county upon the petition of ten or more citizens of said district, or the roads in the entire county upon the petition of fifty or more citizens of said county; Provided, however, That all such petitions shall be filed in open court on some regular county court day and notice of such filing be posted at the court house door until the following county court day, and published in some county newspaper (if there be one published in said county), not less than four times; and any citizen shall have the right to file exceptions to the same at any time before the said next county court day, and if exceptions are so filed, the county judge shall docket the case for hearing and give the parties a trial upon the facts, and if the county judge shall deem it best for the interests of the said magisterial district or county, to prevent stock from running at large on the public roads thereof, he shall so adjudge and make an order to that effect.

Sec. 2. That violaters of this law shall be dealt with as now provided for by law.

Sec. 3. That all laws and parts of laws in conflict with this act be and are hereby repealed.

Whereas, There is great distress amongst the citizens of this Commonwealth on account of inadequate laws to protect

them against loss from stock running at large; therefore, an emergency is declared and this act shall take effect from and after its passage and approval.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. Morgan Chinn,	Michael O'Sullivan,
B. W. Bradburn,	J. S. Hood,	E. Petty,
George H. Bishop,	J. A. Humphreys,	W. H. Ragland,
Reuben Conner,	W. C. G. Hobbs,	G. B. Stout,
T. W. Clark,	J. H. Hall,	South Trimble,
W. T. Chilton,	J. P. Jeffries,	George Traver,
W. H. Cooke,	W. A. Morris,	C. A. Wilson—23.
J. E. Cahill,	Emmett Orr,	

Those who voted in the negative were:

Bruce Adkins,	D. D. Lykins,	A. B. Pieratt,
J. L. Brown,	Joseph F. Laufer,	L. C. Rawlings,
A. Bertram,	J. M. Lee,	R. E. Richardson,
W. H. Cole,	J. R. Mallory,	E. H. Read,
A. H. Charlton,	J. D. Mocquot,	J. S. Robey,
W. W. Combs,	Reuben Morris,	F. G. Shepherd,
John Collins,	J. R. Mount,	J. A. Small,
A. S. Denton,	J. J. Marquette,	O. P. Searcy,
Claude Desha,	W. J. Mears,	Miles Spurlock,
J. B. Depp,	R. C. Myers,	Ham. Shehan,
M. T. Freeman,	Noah Marsee,	B. F. Saunders,
W. W. Gill,	John M. Moore,	A. J. Thompson,
W. C. Holland,	F. May,	Frank M. Tracy,
C. W. Haverly,	J. H. Minor,	H. S. Vanzant,
James M. Hall,	J. Mc. Meloan,	L. E. Weatherford,
J. P. Haswell, Jr.,	M. F. North,	C. B. Wheeler,
W. B. Henderson,	Chas. Aaron Nelson,	R. E. Watkins,
G. W. Hickman,	Chas. F. Ogden,	R. C. Walker,

Anderson Hatfield,	L. J. Owen,	David Woods,
J. A. Ingram,	W. C. Pike,	J. D. Wills,
R. C. Jarnagin,	V. Perkins,	Jas. H. Williams—64.
J. H. Lackey,		

So said bill was rejected.

The House took from the orders of the day.

H. B. 174. An act to amend an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896.

Mr. Humphreys moved to amend said bill by striking out the words, "and maintaining."

Said amendment was rejected.

Mr. Chilton moved to amend said bill by striking out of line four the words "two-thirds," and inserting in lieu thereof the words "three-fifths."

Said amendment was rejected.

Mr. Perkins moved to amend said bill by striking out the figure 6 and inserting in lieu thereof the figure 4.

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Perkins and Small, were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. H. Hall,	V. Perkins,
George H. Bishop,	J. P. Haswell, Jr.,	A. B. Pieratt,
W. T. Chilton,	J. H. Lackey,	S. Atwood Smith,
W. H. Cooke,	J. M. Lee,	F. G. Shepherd,
A. S. Denton,	J. Mc. Meloan,	J. A. Small,
J. B. Depp,	Chas. Aaron Nelson,	George Traver,
M. T. Freeman,	Michael O'Sullivan,	R. E. Watkins,
W. W. Gill,	L. J. Owen,	J. D. Wills—24.

Those who voted in the negative were:

T. H. Armstrong,	J. P. Jeffries,	W. H. Ragland,
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A. Bertram,	R. C. Jarnagin,	R. E. Richardson,
W. H. Cole,	D. D. Lykins,	E. H. Read,
Reuben Conner,	John M. Letterle,	J. S. Robey,
A. H. Charlton,	J. R. Mallory,	G. Weissinger Smith,
W. W. Combs,	Reuben Morris,	Andrew Sargent,
T. W. Clark,	J. R. Mount,	O. P. Searcy,
J. E. Cahill,	J. J. Marquette,	Miles Spurlock,
J. Morgan Chinn,	W. J. Mears,	G. B. Stout,
John Collins,	Noah Marsee,	B. F. Saunders,
Claude Desha,	W. H. McKee,	A. J. Thompson,
W. C. Holland,	F. May,	Frank M. Tracy,
J. S. Hood,	J. H. Minor,	South Trimble,
J. A. Humphreys,	W. A. Morris,	H. S. Vanzant,
W. C. G. Hobbs,	M. F. North,	L. E. Weatherford,
John T. Hinton,	Emmett Orr,	C. A. Wilson,
W. B. Henderson,	Chas. F. Ogden,	R. C. Walker,
G. W. Hickman,	E. Petty,	David Woods,
Anderson Hatfield,	W. C. Pike,	Jas. H. Williams-59.
J. A. Ingram,	L. C. Rawlings,	

And then the House took a recess until 3 o'clock.

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#### AFTERNOON SESSION.

The House met at 3 o'clock, Mr. Speaker Beckham in the chair.

The House resumed the consideration of the unfinished business, viz:

H. B. 174. An act to amend an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 9, of an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896, be amended by striking out the words "two-thirds" wherever it appears, and inserting in lieu thereof the words "a majority," so that said section will read as follows:

"The fiscal court shall have the power and authority to issue and sell bonds, from time to time, within the Constitutional limitations, for the purpose of purchasing and maintaining the roads so acquired or constructed under this act. Said bonds to bear interest not to exceed six per cent. per annum, with coupons attached payable semi-annually; these bonds to be in denominations of not less than one hundred dollars, or more than one thousand dollars, to run not more than thirty years, and to be redeemed within that time at the pleasure of the court, and to be sold at not less than par value.

"But before the bonds authorized under this act shall be issued, the fiscal court of the county shall by an order entered of record call an election to be held and direct a poll to be opened at the next county or regular election to be held in the county, which does not occur within sixty days from the date of the order calling said election. It shall be the duty of said fiscal court to direct the sheriff of the county to advertise said election and the object thereof for at least thirty days next before the day thereof, in some newspaper having the largest circulation in the county, and also by printed hand-bills posted up at not less than four public places in each voting precinct in the county and at the court house door. All legal voters in said county shall be privileged to vote at said election.

"The same officers that hold the regular election shall hold this election, which shall in all respects be held in accordance with the general election laws of this State.

"The question, 'Are you in favor of issuing bonds for the purchase and maintenance of the turnpike roads of this county free of toll to the traveling public?' being printed on the ballot, as provided for in the general election law, section 1459. Kentucky Statutes. If a majority of the legal voters voting on said proposition vote in favor of the proposition, then said fiscal court shall issue bonds as provided herein. The question of issuing bonds may be submitted to the voters at the same time that the question to have free turnpikes and gravel roads is submitted, or it may be submitted at another time."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Hall,	E. Petty,
Bruce Adkins,	John T. Hinton,	L. C. Rawlings,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
A. Bertram,	G. W. Hickman,	R. E. Richardson,
W. H. Cole,	Anderson Hatfield,	E. H. Read,
A. H. Charlton,	J. A. Ingram,	J. S. Robey,
W. W. Combs,	J. P. Jeffries,	S. Atwood Smith,
T. W. Clark,	J. M. Lee,	G. Weissinger Smith,
J. C. Cantrill,	J. R. Mallory,	O. P. Searcy,
J. Morgan Chinn,	J. R. Mount,	Miles Spurlock,
John Collins,	J. J. Marquette,	G. B. Stout,
Claude Desha,	R. C. Myers,	B. F. Saunders,
J. B. Depp,	Noah Marsee,	South Trimble,
W. C. Holland,	J. H. Minor,	H. S. Vanzant,
C. W. Haverly,	W. A. Morris,	C. A. Wilson,
J. S. Hood,	M. F. North,	R. E. Watkins,
J. A. Humphreys,	Emmett Orr,	R. C. Walker,
W. C. G. Hobbs,	Chas. F. Ogden,	David Woods,
James M. Hall,	Michael O'Sullivan,	Jas. H. Williams-57.

Those who voted in the negative were:

J. L. Brown,	John M. Letterle,	W. C. Pike,
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George H. Bishop,	Reuben Morris,	V. Perkins,
Reuben Conner,	W. J. Mears,	A. B. Pieratt,
W. T. Chilton,	John M. Moore,	F. G. Shepherd,
W. H. Cooke,	W. H. McKee,	J. A. Small,
J. E. Cahill,	F. May,	Ham. Shehan,
A. S. Denton,	J. Mc. Meloan,	A. J. Thompson
M. T. Freeman,	Chas. Aaron Nelson,	George Traver,
W. W. Gill,	Chas. F. Ogden,	L. E. Weatherford,
J. H. Lackey,	L. J. Owen,	J. D. Wills—31.
D. D. Lykins,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate of the following title, viz:

S. B. 19. An act to amend and re-enact section 819, of chapter 32, Kentucky Statutes, entitled, "Corporations, private; penalty and damages for extortion, discrimination, preference; jurisdiction; duty of commission; limitation," same being section 226, article 5, subdivision 2, of chapter 171, acts of the General Assembly of Kentucky, which became a law April 5, 1893.

And had found the same correctly enrolled.

Said bill was then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives, in open session, affixed his signature thereto, and it was delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

The House took from the orders of the day:

H. B. 183. An act to establish a medical school in connection with the Agricultural and Mechanical College of Kentucky.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Whereas, The expense connected with obtaining a good medical education is so heavy as to place a degree from a first-class medical school beyond the reach of a majority of the young men and women of this Commonwealth; and,

Whereas, Several of the branches of learning and investigation which collectively form the course of study necessary for the degree of M. D. are already amply provided for in the A. and M. college, viz: chemistry, anatomy and physiology, botany, zoology, histology, and microscopy; and,

Whereas, By the addition of departments of surgery, theory and practice of medicine, materia medica, obstetrics and demonstration of anatomy, a first class medical college could be established and without any additional buildings at this time under the control of the Commonwealth of Kentucky at comparatively little additional expense; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the additional courses of study and departments of instruction in the science of medicine be provided for and a course of instruction leading to the degree of M. D. be established as one of the courses of study in the State College and that a sum of money sufficient to establish and maintain said college not to exceed ten thousand dollars per annum be, and is hereby, appropriated by the Legislature of Kentucky for said purpose.

Sec. 2. Be it further enacted that each county in the State of Kentucky shall be entitled to place and maintain as matriculates in said medical school two property prepared young men or women free of all charge for fees during the time necessary to complete the required course of study. Appointments to said school shall be made upon competitive examination by the board of health of the respective counties of the State.



Said examination shall cover the requirements for entering the freshman class in said college. Appointments shall be open to both sexes and examinations shall be held at a convenient place in each county on a day designated by the county board of health, not later than fifteenth of September of each year.

Sec. 3. The faculty of the medical college shall be selected by the State Medical Board of Health subject to the approval of trustees of the A. and M. college under whose management and control the medical school shall be, so long as it remains a school of said college.

Sec. 4. All monies appropriated by this act shall be paid to the treasurer of the trustees of the A. and M. college and expended by said board of trustees to establish and maintain a high grade medical college, and said appropriation of not more than ten thousand dollars shall be available on and after the passage of this bill; and said trustees shall take immediate steps to have such college open for the reception of students by the the first day of October, 1898. This act permits said board of trustees to utilize any buildings or rooms in any buildings on the college grounds not otherwise employed for the use of the medical school.

Sec. 5. The State from time to time, shall provide such additional buildings on the State college grounds as may be necessary for the effective operation of the medical school and as its growth may demand.

Sec. 6. All other matters connected with the management of the medical school shall be left in the hands of the trustees of the A. and M. College of Kentucky.

Sec. 7. All laws and parts of laws in conflict with this act be and are hereby repealed, and this act shall take effect ninety days from and after its passage and approval.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

## Those who voted in the affirmative were:

Bruce Adkins,	W. C. G. Hobbs,	L. C. Rawlings,
J. L. Brown,	J. H. Lackey,	J. S. Robey,
George H. Bishop,	John M. Letterle,	South Trimble,
J. C. Cantrill,	L. J. Owen,	David Woods,
W. W. Gill,	A. B. Pieratt,	Jas. H. Williams—16.
J. A. Humphreys,		

## Those who voted in the negative were:

M. Abele,	J. A. Ingram,	Harry C. Pulliam,
B. W. Bradburn,	J. P. Jeffries,	E. Petty,
A. Bertram,	R. C. Jarnagin,	W. C. Pike,
W. H. Cole,	D. D. Lykins,	V. Perkins,
Reuben Conner,	Joseph F. Laufer,	W. H. Ragland,
A. H. Charlton,	J. M. Lee,	R. E. Richardson,
T. W. Clark,	J. R. Mallory,	E. H. Read,
W. T. Chilton,	Reuben Morris,	F. G. Shepherd,
W. H. Cooke,	J. R. Mount,	J. A. Small,
J. E. Cahill,	J. J. Marquette,	O. P. Searcy,
John Collins,	R. C. Myers,	Miles Spurlock,
A. S. Denton,	Noah Marsee,	G. B. Stout,
Claude Desha,	John M. Moore,	B. F. Saunders,
J. B. Depp,	F. May,	A. J. Thompson,
M. T. Freeman,	J. H. Minor,	Frank M. Tracy,
W. C. Holland,	W. A. Morris,	George Traver,
J. S. Hood,	J. Mc. Meloan,	H. S. Vanzant,
James M. Hall,	M. F. North,	L. E. Weatherford,
J. H. Hall,	Chas. Aaron Nelson,	R. E. Watkins,
John T. Hinton,	Emmett Orr,	R. C. Walker,
J. P. Haswell, Jr.,	Michael O'Sullivan,	J. D. Wills—64.
Anderson Hatfield,	Chas. F. Ogden,	

So said bill was rejected.

The House took from the orders of the day:

H. B. 304. An act to provide for maintaing circuit courts and their officers, and furnishing services and assistants to

courts by cities of the second class in the Commonwealth, wherein sit circuit courts of continuous session.

Mr. Tracey moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That cities of the second class in this Commonwealth which do not constitute county seats and wherein sit circuit courts of continuous session shall maintain said court and court-room and the offices of its officers, and furnish the same, and pay for such services or assistance as may, in the discretion of the judge of such courts, be necessary for the proper conduct of such courts; Provided, That no other way has been established for doing the same.

Sec. 2. The judge of such court may purchase, in the manner he deems best, furniture or other things, in his discretion necessary to carry out the provisions of section 1 hereof; and the said cities shall, upon the order of said judge, or of the court, allow and pay the claims so created; and the judge of such courts may cause to be rendered, in the conduct of such courts, such services or assistance as he may deem necessary; and the said cities shall, upon the order of said judge, or of the court, allow and pay the claims so created.

Sec. 3. Nothing in this act shall be construed to repeal or affect any obligation heretofore created upon such cities, or any of them, to maintain said courts.

Sec. 4. It appearing that the enforcement of the provisions of this act is essential to the proper conduct of such courts, an emergency is declared to exist, and this act shall be in force and take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz :

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	Harry C. Pulliam,
B. W. Bradburn,	J. P. Jeffries,	E. Petty,
J. L. Brown,	R. C. Jarnagin,	W. C. Pike,
George H. Bishop,	D. D. Lykins,	V. Perkins,
A. Bertram,	Joseph F. Laufer.	A. B. Pieratt,
W. H. Cole,	John M. Letterle,	L. C. Rawlings,
Reuben Conner,	J. M. Lee,	W. H. Ragland,
A. H. Charlton,	J. R. Mallory,	R. E. Richardson,
W. W. Combs,	J. D. Mocquot,	E. H. Read,
T. W. Clark,	Reuben Morris,	J. S. Robey,
W. T. Chilton,	J. R. Mount,	G. Weissinger Smith,
W. H. Cooke,	J. J. Marquette,	F. G. Shepherd,
J. E. Cahill,	W. J. Mears,	J. A. Small,
John Collins,	R. C. Myers,	O. P. Searcy,
A. S. Denton,	Noah Marsee,	Miles Spurlock,
Claude Desha,	John M. Moore,	G. B. Stout,
M. T. Freeman,	F. May,	Ham. Shehan,
W. C. Holland,	J. H. Minor,	A. J. Thompson,
C. W. Haverly,	W. A. Morris,	Frank M. Tracy,
J. A. Humphreys,	J. Mc. Meloan,	South Trimble,
W. C. G. Hobbs,	M. F. North,	George Traver,
James M. Hall,	Chas. Aaron Nelson,	H. S. Vanzant,
John T. Hinton,	Emmett Orr,	C. A. Wilson,
J. P. Haswell, Jr.,	Chas. F. Ogden,	R. C. Walker,
W. B. Henderson,	Michael O'Sullivan,	David Woods,
G. W. Hickman,	L. J. Owen,	Jas. H. Williams-79.
Anderson Hatfield,		

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Moore, of the Committee on Enrollment, reported that the Committee had examined an enrolled bill which originated in the House of Representatives, of the following title, viz:

H. B. 70. An act appropriating money to pay certain claims due the sheriff and jailer of Menefee county, and directing the Auditor of Public Accounts to draw his warrant on the Treasurer of the State of Kentucky in favor of J. B. Lyons, sheriff, W. Branham, deputy sheriff, and Thos. Greenwade, jailer.

And had found the same correctly enrolled.

Said bill was then read at length and compared, in the presence of the House, and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives, in open session affixed his signature thereto, and it was delivered to the Committee to be delivered to the Senate.

After a short time, Mr. Moore reported that the Committee had performed that duty.

The House took from the orders of the day:

H. B. 264. An act for the more perfect assessment and collection of taxes from railroad companies.

With a substitute proposed therefor by the Committee.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the president or chief officer of each railroad company or other corporation owning or operating a railroad lying in whole or in part in this State, shall, on or before the first of September in each year, return to the secretary of the Railroad Commission, under oath, the total length of such railroad, including the length thereof beyond the limits of the State, and designating its length within this

State, and each county, city, incorporated town and taxing district, therein together with the average value per mile thereof, and in the respective counties, cities, incorporated towns and taxing districts therein, together with the average value per mile thereof, for the purpose of being operated as a carrier of freight and passengers, including engines and cars and a list of the depot grounds and improvements and other real estate of the said company, and all other property and the value thereof, and the respective counties, cities and incorporated towns in which the same are located. That if any of said railroad companies owns or operates a railroad or railroads out of this State the president or chief officer of such company shall only be required to return such proportion of the entire value of all its rolling stock as the number of miles of its railroad in this State bears to the whole number of miles operated by said company in and out of this State. Said report shall be made as of the first day of July, and a failure to file said report by the first day of September shall subject the president or chief officer residing in this State to a fine of one thousand dollars, and fifty dollars for every day after the first day of September that he fails to file said report, to be recovered as indicated by section 9 of this act.

Sec. 2. Should any railroad, or part of a line of railroad, in this State be in the hands or under the control of a receiver or other person, by order or decree of any court in this or any other State, it shall be the duty of such receiver or other person to make, under his oath, the returns and valuations required by the first section of this article; and should the president or chief officer of any railroad company, or such receiver fail to make said returns and valuations on or before the first day of September in each year, the said Railroad Commission shall proceed and ascertain the facts and values required by this article to be returned, and in such manner and by such means as it may deem best, and at the cost of the company failing to make the returns and values.

Sec. 3. The Railroad Commission shall, after October first of each year, upon said report, and such other evidence as it may have, determine and assess the value of all the property of each railroad company. Said board shall keep a record of its proceedings, to be signed by each member present at any meeting; and the said board is hereby authorized to examine the books and property of any railroad company to ascertain the value of its property, or to have them examined by any suitable disinterested person, to be appointed by it for that purpose.

Sec. 4. It shall be the duty of the county superintendent of common schools in each county in which a railroad is operated to furnish, on or before the first day of July of each year, to such railroad company or companies, the boundary of each graded or common school district through or into which any part of such railroad or other railroad property is situated; and the county clerk of any county containing any other taxing district through or into which any railroad is located shall make a similar report to such railroad company. Any county superintendent or county clerk failing to make the report as herein required, or who shall make false report, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each offense.

Sec. 5. All taxes against any railroad company, which shall be levied in any common school district, shall be paid to the superintendent of common schools of the county for the benefit of the district entitled thereto.

Sec. 6. The provisions of this law shall not be construed to apply to any colored school district; Provided, That the same rate of taxation assessed against the real estate of any railroad company or corporation in any graded common school district or common school district, in any year, shall be assessed against all of the taxable property in such district, and the railroad tax, when collected, shall be paid over to the

county superintendent of the county in which the district school house wherein the tax assessed shall be situated, and shall constitute and be held by the county superintendent as a graded or common district school fund; and the said fund shall be apportioned and distributed by the county superintendent between the white graded common school or white common school district wherein said tax shall be collected and any colored common school district which shall be located over the same boundary; the distribution shall be in the ratio that the whole number of white children of pupil age and the whole number of colored children of pupil age residing in the district shall bear to the whole number of children, white and colored, residing in the district wherein such tax shall be collected.

Sec. 7. The same rate of taxation for State purposes which is or may be in any year levied on other real estate, shall be and is hereby levied upon the value, so found by said board, of the railroad, rolling stock, real estate, and all other property of each company; and the same rate of taxation for the purposes of each city, town, county, part of a county, or tax district of any kind, in which any portion of any railroad is located, which is, or may be, in any year levied on other real estate therein, shall be, and is hereby, levied on the value of the property of said company therein, and of the number of miles of such road therein, reckoned as of the value of the average of each mile of such railroad, with its rolling stock, as ascertained as aforesaid; Provided, That railroad bridges spanning any river, which constitutes the boundary or State line of the Commonwealth, shall be assessed as of the counties in which they are located, and local tax derived therefrom shall be applied to each city, town, county or tax district in which said bridges are or may be located; and immediately after the said board shall have completed its valuations each year, the secretary of the Railroad Commission shall notify the clerk of each county court of the amount so assessed for taxation in his county, and each railroad company of the



amount of its assessment for taxation for State purposes and for the purposes of such city, town or county, part of county and tax district, and all existing laws in this State authorizing the assessment and taxation of the property of railroad companies by counties, cities or incorporated towns are hereby repealed, and no county, city, or incorporated town in this State shall hereafter assess, levy or collect any taxes on the property of railroad companies in this State except as provided by this article.

Sec. 8. All taxes assessed against any railroad company shall be due and payable thirty days after notice by mail of the assessment is given by the secretary of Railroad Commission, and every such company failing to pay its taxes after receiving such thirty days' notice of the amount of such tax shall be deemed delinquent, and a penalty of ten per cent. on the amount of the tax shall attach, and thereafter such tax bear interest at the rate of ten per cent. per annum. Any railroad company failing to pay its taxes, penalty and interest, after becoming delinquents, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined fifty dollars for each day the same remains unpaid, to be recovered by indictment, or civil action, of which the Franklin Circuit Court shall have jurisdiction.

Sec. 9. Taxes, penalties, and interest due the Commonwealth from any railroad may be recovered by action in the name of the Commonwealth, in the Franklin Circuit Court; and those due any county, city, incorporated town or taxing district may be recovered by action in the name of the Commonwealth in any court of competent jurisdiction. Suits for the taxes, penalties and interest due the Commonwealth, shall be conducted by the Attorney-General, and suits to recover taxes, penalties and interest, due any county, city, incorporated town or taxing district, shall be conducted by the county attorney of the county in which the suit may be brought.

Sec. 10. All laws conferring authority upon any other person or tribunal to assess railroad property, and all laws

inconsistent herewith or not in conformity hereto are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	Michael O'Sullivan,
Bruce Adkins,	Anderson Hatfield,	E. Petty,
B. W. Bradburn,	J. P. Jeffries,	W. C. Pike,
J. L. Brown,	R. C. Jarnagin,	V. Perkins,
Geo. H. Bishop,	J. H. Lackey,	A. B. Pieratt,
A. Bertram,	Joseph F. Laufer,	W. H. Ragland,
W. H. Cole,	John M. Letterle,	J. S. Robey,
Reuben Conner,	J. M. Lee,	S. Atwood Smith,
A. H. Charlton,	J. R. Mallory,	G. Weissinger Smith,
T. W. Clark,	J. D. Mocquot,	F. G. Shepherd,
W. T. Chilton,	Reuben Morris,	O. P. Searcy,
W. H. Cooke,	J. R. Mount,	Miles Spurlock,
J. C. Cantrill,	J. J. Marquette,	Ham. Shehan,
J. E. Cahill,	W. J. Mears,	B. F. Saunders,
J. Morgan Chinn,	Noah Marsee,	A. J. Thompson,
A. S. Denton,	F. May,	Frank M. Tracy,
Claude Desha,	J. H. Minor,	South Trimble,
W. W. Gill,	W. A. Morris,	George Traver,
W. C. Holland,	J. Mc. Meloan,	H. S. Vanzant,
J. A. Humphreys,	M. F. North,	C. A. Wilson,
W. C. G. Hobbs,	Emmett Orr,	R. C. Walker,
J. P. Haswell, Jr.,	Chas. F. Ogden,	Jas. H. Williams-63.
W. B. Henderson,		

Those who voted in the negative were:

John Collins,	R. C. Myers,	R. E. Richardson,
J. B. Depp,	John M. Moore,	E. H. Read,
M. T. Freeman,	Chas. Aaron Nelson,	G. B. Stout,

J. H. Hall, Harry C. Pulliam, R. E. Watkins-13.  
D. D. Lykins,

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

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FRIDAY, FEBRUARY 18, 1898.

The House was opened with prayer by Rev. G. W. McCready, of the Epispcal church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills the following were introduced and referred, viz:

By Mr. Spurlock:

H. B. 404. An act to repeal chapter 971, sessions acts, 1885-6, entitled, "An act to prevent the drifting and floating of saw logs down the Licking river below Salyersville," approved May 7, 1886.

Referred to the Committee on Propositions and Grievances.

By Mr. Sharp:

H. B. 405. An act to repeal section 9 of an act to protect game and small birds.

Referred to the Committee on Criminal law.

By same:

H. B. 406. An act to revise the common school law of Kentucky.

Referred to the Committee on Education.

By same:

H. B. 407. An act to amend that part of the revenue law relating to the county board of supervisors.

Referred to the Committee on Revenue and Taxation.

By same:

H. B. 408. An act changing the times of holding circuit court in Russell county.

Referred to the Committee on Circuit Courts.

By Mr. Humphreys:

H. B. 409. An act to prevent stock from running at large.

Referred to the Committee on City and County Courts.

By Mr. Laufer:

H. B. 410. An act for a suitable military representation of the Commonwealth on the occasion of the christening of the Battleship "Kentucky," and appropriating an amount to enable such representation to be made.

Referred to the Committee on Military Affairs.

By Mr. Charlton:

H. B. 411. An act to amend an act entitled, "An act relating to crimes and punishments," approved April 10, 1893.

Referred to the Committee on Criminal Law.

By same:

H. B. 412. An act for the identification of criminals.

Referred to the Committee on Criminal Law.

By same:

H. B. 413. An act to prohibit idling, loitering or sleeping in public places within the Commonwealth of Kentucky.

Referred to the Committee on Criminal Law.

By same:

H. B. 414. An act to prevent the unlawful use or unlawful possession of any narcotic or anaesthetic substance or compound, and punishment therefor.

Referred to the Committee on Public Health.

By M. Gill:

H. B. 415. An act to amend section 600, subdivision 2, article 1, chapter 12, Kentucky Statutes.

Referred to the Committee on Banks and Banking.

By Mr. Holland:

H. B. 416. An act to amend section 3 of an act entitled, "An act fixing the time and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892 (being part of section 965, of Kentucky Statutes), extending the December term of the Lyon Circuit Court, so as to embrace eighteen juridical days.

Referred to the Committee on Circuit Courts.

By Mr. Williams:

H. B. 417. An act to amend an act for the government of cities of the fourth class, approved June 28, 1893.

Referred to the Committee on Municipalities.

By Mr. Hatfield:

H. B. 418. An act to repeal an act entitled, "An act to establish a graded school at White Post, in Pike county, and to provide for maintaining same."

Referred to the Committee on Education.

By Mr. Mallory:

H. B. 419. An act changing the boundaries of the third and eleventh Congressional districts.

Referred to the Committee on Judiciary.

By Mr. Hinton:

H. B. 420. An act to amend section 3903 of Kentucky Statutes.

Referred to the Committee on Judiciary.

By Mr. Sargent:

H. B. 421. An act to amend and re-enact section 43 of an act entitled, "An act for the government of towns of the sixth class," approved May 6, 1893.

Referred to the Committee on Municipalities.

By Mr. Gill:

H. B. 422. An act to amend section 1454, chapter 41, of the Kentucky Statutes, entitled, "Elections."

Referred to the Committee on Suffrage and Elections.

By Mr. O'Sullivan:

H. B. 423. An act to create a lien on railroads in favor of persons having claims for damages for personal injury or death caused by the negligence of the railroad company, its lessees or employees.

Referred to the Committee on Railroads.

By same:

H. B. 424. An act to give employees and others, or their representatives, in case of death, injured or killed through the negligence or wrongful act of a person insured against loss by reason of such injury or death, a right of action against the insurer.

Referred to the Committee on Railroads.

By Mr. Desha:

H. B. 425. An act to amend an act entitled, "An act to amend an act approved November 11, 1892, relating to revenue and taxation," and to amend an amendment to said act of June 9, 1893, relating to peddlers.

Referred to the Committee on Revenue and Taxation.

Mr. Bradburn moved to reconsider the vote by which the House passed:

H. B. 264. An act for the more perfect assessment and collection of taxes from railroad companies.

Said motion was adopted.

Mr. Bradburn moved to reconsider the vote by which said bill was ordered to be read the third time.

Said motion was adopted.

Mr. Orr moved to postpone the further consideration of said bill until Wednesday, February 23, 1898, at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was adopted.

Mr. Williams moved the adoption of the following resolution, viz:

Whereas, Next Tuesday, the twenty-second day of February, is a legal holiday, and many members will desire to be at home on that day; and whereas, it is most likely there can not be a quorum of this House had on Monday; therefore be it

Resolved, That when this House adjourns on Saturday it be to meet again on Wednesday, at 10 o'clock, A. M., February twenty-third.

Said resolution was adopted.

The yeas and nays being demanded thereon by Messrs. North and Trimble, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	W. C. Pike,
B. W. Bradburn,	Anderson Hatfield,	V. Perkins,
A. C. Brown,	J. A. Ingram,	E. H. Read,
George H. Bishop,	J. P. Jeffries,	S. Atwood Smith,
W. H. Cole,	R. C. Jarnagin,	G. Weissinger Smith,
Reuben Conner,	D. D. Lykins,	J. A. Small,
A. H. Charlton,	Joseph F. Laufer,	Andrew Sargent,
W. W. Combs,	John M. Letterle,	W. T. Sharp.
T. W. Clark,	J. M. Lee,	Waller Sharp,
J. E. Cahill,	J. D. Mocquot,	G. B. Stout,
J. Morgan Chinn,	Reuben Morris,	B. F. Saunders,
John Collins,	R. C. Myers,	Frank M. Tracy,

A. S. Denton,	Noah Marsee,	C. A. Wilson,
M. T. Freeman,	J. H. Minor,	C. B. Wheeler,
W. W. Gill,	W. A. Morris,	R. E. Watkins,
J. S. Hood,	Emmett Orr,	David Woods,
James M. Hall,	Michael O'Sullivan,	J. D. Wills,
J. H. Hall,	Harry C. Pulliam,	Jas. H. Williams-55.
John T. Hinton,		

Those who voted in the negative were:

Bruce Adkins,	J. R. Mount,	W. H. Ragland,
J. L. Brown,	J. J. Marquette,	F. G. Shepherd,
A. Bertram,	W. J. Mears,	O. P. Searcy,
W. T. Chilton,	John M. Moore,	Miles Spurlock,
W. H. Cooke,	J. Mc. Meloan,	Ham. Shehan,
Claude Desha,	M. F. North,	A. J. Thompson,
J. B. Depp,	Chas. Aaron Nelson,	South Trimble,
W. C. Holland,	Chas. F. Ogden,	George Traver,
W. C. G. Hobbs,	L. J. Owen,	H. S. Vanzant,
J. H. Lackey,	E. Petty,	L. E. Weatherford,
J. R. Mallory,	A. B. Pieratt,	R. C. Walker-33.

Mr. Bradburn moved that when this House adjourns at 1:30 o'clock it be to meet at 3 o'clock this afternoon, to consider bills in the orders of the day.

Said motion was adopted.

Mr. Henderson was granted unanimous consent to withdraw:

H. B. 312. An act to amend an act entitled, "An act. 'Guardian and ward,' and providing a mode of settlement of guardian with an infant wife."

Mr. Walker, from the Committee on Suffrage and Elections, to which the same had been referred, reported:

H. B. 332. An act to amend section 5, article 3, chapter 65 of an act entitled, "An act to regulate election laws of Kentucky," session acts 1891-2-3.



With expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the Committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed on the calendar, and read the second time on some other day.

The hour of 11 o'clock A. M. having arrived the House took up for consideration, the special order for that hour, viz:

H. B. 121. An act to amend section 145 of the Constitution of Kentucky.

Mr. Tracy moved that the House resolved itself into a Committee of the Whole to consider said bill, and other proposed amendments to the Constitution.

Said motion was adopted.

Whereupon the Speaker designated Mr. Hickman as Chairman of the Committee of the Whole House, and retired from chair.

After a time, Mr. Hickman reported to the House that the Committee of the Whole, had considered said bill, and reported it to the House with the expression of opinion that said bill should pass.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That at the next regular election there be submitted to the qualified voters of this Commonwealth the following amendment to section 145 of the Constitution of the State of Kentucky.

That in addition to the three exceptions contained therein, the fourth exception shall be inserted and shall read as follows:

A. S. Denton,	Noah Marsee,	C. A. Wilson,
M. T. Freeman,	J. H. Minor,	C. B. Wheeler,
W. W. Gill,	W. A. Morris,	R. E. Watkins,
J. S. Hood,	Emmett Orr,	David Woods,
James M. Hall,	Michael O'Sullivan,	J. D. Wills,
J. H. Hall,	Harry C. Pulliam,	Jas. H. Williams-55.
John T. Hinton,		

Those who voted in the negative were:

Bruce Adkins,	J. R. Mount,	W. H. Ragland,
J. L. Brown,	J. J. Marquette,	F. G. Shepherd,
A. Bertram,	W. J. Mears,	O. P. Searcy,
W. T. Chilton,	John M. Moore,	Miles Spurlock,
W. H. Cooke,	J. Mc. Meloan,	Ham. Shehan,
Claude Desha,	M. F. North,	A. J. Thompson,
J. B. Depp,	Chas. Aaron Nelson,	South Trimble,
W. C. Holland,	Chas. F. Ogden,	George Traver,
W. C. G. Hobbs,	L. J. Owen,	H. S. Vanzant,
J. H. Lackey,	E. Petty,	L. E. Weatherford,
J. R. Mallory,	A. B. Pieratt,	R. C. Walker-33.

Mr. Bradburn moved that when this House adjourns at 1:30 o'clock it be to meet at 3 o'clock this afternoon, to consider bills in the orders of the day.

Said motion was adopted.

Mr. Henderson was granted unanimous consent to withdraw:

H. B. 312. An act to amend an act entitled, "An act. 'Guardian and ward,' and providing a mode of settlement of guardian with an infant wife."

Mr. Walker, from the Committee on Suffrage and Elections. to which the same had been referred, reported:

H. B. 332. An act to amend section 5, article 3, chapter 65 of an act entitled, "An act to regulate election laws of Kentucky," session acts 1891-2-3.

With expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the Committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed on the calendar, and read the second time on some other day.

The hour of 11 o'clock A. M. having arrived the House took up for consideration, the special order for that hour, viz:

H. B. 121. An act to amend section 145 of the Constitution of Kentucky.

Mr. Tracy moved that the House resolved itself into a Committee of the Whole to consider said bill, and other proposed amendments to the Constitution.

Said motion was adopted.

Whereupon the Speaker designated Mr. Hickman as Chairman of the Committee of the Whole House, and retired from chair.

After a time, Mr. Hickman reported to the House that the Committee of the Whole, had considered said bill, and reported it to the House with the expression of opinion that said bill should pass.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That at the next regular election there be submitted to the qualified voters of this Commonwealth the following amendment to section 145 of the Constitution of the State of Kentucky.

That in addition to the three exceptions contained therein, the fourth exception shall be inserted and shall read as follows:

"Fourth—Persons failing to produce receipts for his poll-tax, properly signed by the sheriff of his county for the year preceding the year in which the election is held; Provided, A poll-tax is levied for such year: and Provided, further, Such persons as are exempt, from paying a poll-tax shall not be required to produce such receipt, the persons so exempted to produce the certificate of the county clerk to that effect."

The yeas and nays being required thereon were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	John T. Hinton,	V. Perkins,
B. W. Bradburn,	G. W. Hickman,	A. B. Pieratt,
J. L. Brown,	J. H. Lackey,	W. H. Ragland,
George H. Bishop,	Joseph F. Laufer,	R. E. Richardson,
A. Bertram,	John M. Letterle,	J. S. Robey,
Reuben Conner,	J. M. Lee,	S. Atwood Smith,
A. H. Charlton,	J. R. Mallory,	G. Weissinger Smith,
W. W. Combs,	J. D. Mocquot,	F. G. Shepherd,
T. W. Clark,	J. R. Mount,	J. A. Small,
W. T. Chilton,	J. J. Marquette,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	John M. Moore,	G. B. Stout,
J. Morgan Chinn,	W. H. McKee,	Ham. Shehan,
A. S. Denton,	W. A. Morris,	B. F. Saunders,
Claude Desha,	M. F. North,	A. J. Thompson,
J. B. Depp,	Chas. Aaron Nelson,	South Trimble,
W. W. Gill,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	Harry C. Pulliman,	J. D. Wills,
W. C. G. Hobbs,	E. Petty,	Jas. H. Williams-60.

Those who voted in the negative were:

W. H. Cole,	Anderson Hatfield,	J. H. Minor,
John Collins,	J. A. Ingram,	Chas. F. Ogden,

M. T. Freeman,	J. P. Jeffries,	W. C. Pike,
C. W. Haverly,	R. C. Jarnagin,	E. H. Read,
J. S. Hood,	D. D. Lykins,	Andrew Sargent,
James M. Hall,	Reuben Morris,	W. T. Sharp,
J. H. Hall,	R. C. Myers,	Frank M. Tracy,
J. P. Haswell, Jr.	Noah Marsee,	H. S. Vanzant,
W. B. Henderson,	F. May,	David Woods,—27.

Resolved that said bill do pass and that the title thereof be as aforesaid.

The House took from the calendar bills as follows, viz:

H. B. 194. An act to amend and re-enact section 2 of an act entitled, "An act to divide the State of Kentucky into circuit court districts."

H. Res. 20. Resolution providing for amendment to the Constitution, and providing for a submission to a vote of the people of the Commonwealth, the question of the removal of the State Capital from the city of Frankfort to the city of Lexington.

H. B. 246. An act to amend section 14 of article 1 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, otherwise known as section 551 of the Kentucky Statutes.

H. B. 302. An act to amend section 65, title 5, Civil Code of Practice of Kentucky.

H. B. 377. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

The House took a recess until 3 o'clock.

## AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Speaker Beckham in the Chair.

The House took from the orders of the day:

H. B. 200. An act to amend section 1469 of the Kentucky Statutes, and regulating the time within which elections may be held.

Mr. Bishop moved to amend said bill so as to read: "Counties having a population of forty thousand or over."

Mr. Pulliam moved to amend said amendment by adding after the words "and over," the words, "and less than seventy-five thousand."

Said amendment was adopted.

The amendment moved by Mr. Bishop as amended was then adopted.

Mr. Tracy moved an amendment to the title of said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 24, chapter 65, article 3, of the acts of 1891-2-3, of an act entitled, "An act relating to elections," approved June 30, 1892, be, and the same is hereby amended, so as to read:

"Section 24. The polls shall be opened at 7 o'clock in the forenoon and kept open continuously up to and closed at 4 o'clock in the afternoon of the same day; Provided, however, That in counties having a population of forty thousand and over, and less than seventy-five thousand, the county court may, in its discretion, direct that the poll be opened at 6 o'clock in the forenoon.

"Before receiving the ballot of any elector, the officers of the elections shall cause to be proclaimed that such election shall be opened."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	J. S. Robey,
Bruce Adkins,	W. B. Henderson,	G. Weissinger Smith,
B. W. Bradburn,	G. W. Hickman,	F. G. Shepherd,
J. L. Brown,	Anderson Hatfield,	J. A. Small,
George H. Bishop,	J. R. Mallory,	Miles Spurlock,
W. H. Cole,	J. R. Mount,	G. B. Stout,
A. H. Charlton,	Noah Marsee,	Ham. Shenan,
T. W. Clark,	W. A. Morris,	B. F. Saunders,
W. T. Chilton,	M. F. North,	A. J. Thompson,
W. H. Cooke,	Chas. Aaron Nelson,	Frank M. Tracy,
J. Morgan Chinn,	Chas. F. Ogden,	South Trimble,
A. S. Denton,	Michael O'Sullivan,	George Traver,
J. B. Depp,	L. J. Owen,	L. E. Weatherford,
M. T. Freeman,	Harry C. Pulliam,	C. A. Wilson,
W. W. Gill,	W. C. Pike,	C. B. Wheeler,
W. C. Holland,	A. B. Pieratt,	R. E. Watkins,
J. S. Hood,	W. H. Ragland,	R. C. Walker,
W. C. G. Hobbs,	R. E. Richardson,	J. D. Wills,
J. H. Hall,	E. H. Read,	Jas. H. Williams—57.

Those who voted in the negative were:

John Collins,	D. D. Lykins,	R. C. Myers,
J. A. Humphreys,	John M. Letterle,	S. Atwood Smith,
James M. Hall,	J. M. Lee,	H. S. Vanzant,
J. A. Ingram,	Reuben Morris,	David Woods—14.
J. P. Jeffries,	J. J. Marquette,	

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend section 24, chapter 65, article 3 of acts of 1891-2-3 of an act entitled, "An act relating to elections," approved June 30, 1892.

The House took from the orders of the day:

H. B. 275. An act in relation to circuit court judges.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the act entitled, "An act in relation to circuit court judges in counties that may have a population of not less than forty thousand and not more than fifty thousand inhabitants," approved December 12, 1892, be and the same is hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	W. C. Pike,
Bruce Adkins,	J. A. Ingram;	A. B. Pieratt,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,
J. L. Brown,	D. D. Lykins,	R. E. Richardson,
George H. Bishop,	Joseph F. Laufer,	E. H. Read,
W. H. Cole,	John M. Letterle,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	S. Atwood Smith,
T. W. Clark,	J. R. Mallory,	F. G. Shepherd,
W. T. Chilton,	Reuben Morris,	J. A. Small,
W. H. Cooke,	J. R. Mount,	Miles Spurlock,
J. Morgan Chinn,	J. J. Marquette,	G. B. Stout,
John Collins,	Noah Marsee,	Ham. Shehan,
A. S. Denton,	John M. Moore,	B. F. Saunders,
Claude Desha,	W. A. Morris,	A. J. Thompson,
J. B. Depp,	J. Mc. Meloan,	Frank M. Tracy,



M. T. Freeman,	M. F. North,	George Traver,
W. W. Gill,	Chas. Aaron Nelson,	L. E. Weatherford,
W. C. Holland,	Chas. F. Ogden,	C. A. Wilson,
J. A. Humphreys,	Michael O'Sullivan,	R. E. Watkins,
J. H. Hall,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.,	Harry C. Pulliam,	David Woods,
W. B. Henderson,	E. Petty,	Jas. H. Williams-67.
G. W. Hickman,		

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 136. An act to prohibit the sale, barter or loan of any intoxicating beverage, liquid, mixture or decoction in the local option districts of the State, and providing a penalty therefor.

Mr. Denton moved to amend said bill by adding after the word "kind" in line four of section 1, these words: "Except upon prescription of a regular practicing physician."

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any one to sell, barter or loan directly or indirectly, any beverage, liquid mixture or decoction of any kind which produces or causes intoxication, in any county, city, town, district or precinct, in which the sale, barter or loan of spirituous, vinous and malt liquors is or shall be prohibited in accordance with the local option law.

Sec. 2. Any person who shall sell, barter or loan directly or indirectly any such beverage, liquid mixture or decoction in

any said county, city, town, district or precinct shall, upon conviction, be fined the sum of not less than twenty nor more than one hundred dollars for each offense; and any sale, barter or loan of any article, with the agreement, expressed or implied, that the right or title to or possession of any such beverage, liquid mixture or decoction shall also pass, shall be considered a sale, barter or loan within the terms of this act.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	V. Perkins,
J. L. Brown,	Anderson Hatfield,	A. B. Pieratt,
A. Bertram,	J. A. Ingram,	W. H. Ragland,
W. H. Cole,	J. H. Lackey,	R. E. Richardson,
Reuben Conner,	J. R. Mallory,	E. H. Read,
T. W. Clark,	Reuben Morris,	J. S. Robey,
W. T. Chilton,	J. R. Mount,	F. G. Shepherd,
W. H. Cooke,	J. J. Marquette,	J. A. Small,
John Collins,	W. J. Mears,	Miles Spurlock,
J. B. Depp,	R. C. Myers,	G. B. Stout,
M. T. Freeman,	Noah Marsee,	Ham. Shehan,
W. W. Gill,	John M. Moore,	Frank M. Tracy,
W. C. Holland,	F. May,	George Traver,
C. W. Haverly,	W. A. Morris,	H. S. Vanzant,
J. S. Hood,	M. F. North,	L. E. Weatherford,
J. A. Humphreys,	Chas. Aaron Nelson,	R. E. Watkins,
James M. Hall,	Chas. F. Ogden,	R. C. Walker,
J. H. Hall,	L. J. Owen,	David Woods,
J. P. Haswell, Jr.,	W. C. Pike,	Jas. H. Williams—58.
W. B. Henderson,		

Those who voted in the negative were:

B. W. Bradburn,	D. D. Lykins,	Harry C. Pulliam,
George H. Bishop,	John M. Letterle,	A. J. Thompson,

A. H. Charlton,	J. M. Lee,	C. A. Wilson,
A. S. Denton,	W. H. McKee,	J. D. Wills—13.
Claude Desha,		

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Letterle, of the Committee on Enrollments, reported that the Committee had examined enrolled bills which originated in the House of Representatives, of the following titles, viz:

H. B. 103. An act to repeal an act entitled, "An act to exclude Crab Orchard Springs from Crab Orchard."

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice, regulating the competency of witnesses in civil action, and to declare an emergency.

And had found the same correctly enrolled.

Said bills were then read at length and compared in the presence of the House, and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives, in open session, affixed his signature thereto, and they were delivered to the Committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the Committee had performed that duty.

The House took from the orders of the day:

S. B. 53. An act to amend section 17, article 2, chapter 221, session acts, 1891-2-3, approved June 10, 1893, entitled, "An act relating to courts of justice."

Mr. J. M. Hall moved to substitute for said bill, as follows, viz:

In House of Representatives, February 18, 1898.

Resolved, That Senate Bill 53 do pass, amended as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That so much of said section as relates to the circuit court district be amended and re-enacted, so that when amended and re-enacted, that part that relates to the twenty-sixth circuit court district shall read as follows:

"Twenty-sixth District—Bell county, at Pineville on the second Monday in January, to continue until Saturday before the first Monday in February; first Mondays in May and October, thirty juridical days, each. Harlan county, at Harlan court house, on the first Monday in February, second Mondays in August and November, twelve juridical days, each. Letcher county, at Whitesburg, on the third Monday in February, fourth Mondays in August and November, twelve juridical days, each. Perry county, at Hazard, on the first Monday in March, second Mondays in September and December, twelve juridical days, each."

Sec. 2. Whereas, Much inconvenience is occasioned to the litigants and their attorneys by the present law fixing the terms of said courts in said districts, an emergency is hereby declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That so much of section 17, of article 2, chapter 221, of session acts 1891-2-3, entitled, "An act relating to courts of justice," approved June 10, 1893, which reads as follows:

"Bell county at Pineville, on the first Monday in January, twenty-four juridical days; first Mondays in July and October, thirty juridical days, each." Be and the same are hereby repealed and the following are hereby enacted and substituted

therefore, to-wit: "Bell county, at Pineville, on the second Monday in January to continue until the Saturday preceding the first Monday in February; on the first Mondays in May and October, thirty juridical days, each;" so that the same as amended shall read: "Bell county, at Pineville, on the second Monday in January to continue until Saturday before the first Monday in February; on the first Mondays in May and October, thirty juridical days, each."

And Whereas, Much inconvenience is occasioned to the litigants and their attorneys by the present law fixing the terms of said courts, an emergency is declared to exist, and this act shall take effect and become a law from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	Harry C. Pulliam,
J. L. Brown,	J. A. Ingram,	E. Petty,
George H. Bishop,	R. C. Jarnagin,	W. C. Pike,
A. Bertram,	J. H. Lackey,	V. Perkins,
W. H. Cole,	D. D. Lykins,	A. B. Pieratt,
Reuben Conner,	Joseph F. Laufer,	W. H. Ragland,
A. H. Charlton,	John M. Letterle,	R. E. Richardson,
W. W. Combs,	J. M. Lee,	E. H. Read,
T. W. Clark,	J. R. Mallory,	J. S. Robey,
W. T. Chilton,	Reuben Morris,	G. Weissinger Smith,
W. H. Cooke,	J. R. Mount,	F. G. Shepherd,
J. Morgan Chinn,	J. J. Marquette,	J. A. Small,
A. S. Denton,	R. C. Myers,	W. T. Sharp,
J. B. Depp,	Noah Marsee,	Miles Spurlock,
M. T. Freeman,	John M. Moore,	Ham. Shehan,
W. W. Gill,	W. H. McKee,	A. J. Thompson,
W. C. Holland,	F. May,	George Traver,
C. W. Haverly,	W. A. Morris,	H. S. Vanzant,

J. S. Hood,	J. Mc. Meloan,	L. E. Weatherford,
W. C. G. Hobbs,	M. F. North,	C. A. Wilson,
James M. Hall,	Chas. Aaron Nelson,	C. B. Wheeler,
J. H. Hall,	Emmett Orr,	R. E. Watkins,
J. P. Haswell, Jr.,	Chas. F. Ogden,	R. C. Walker,
W. B. Henderson,	Michael O'Sullivan,	David Woods,
G. W. Hickman,	L. J. Owen,	Jas. H. Williams-75.

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had adopted a resolution and passed bills which originated in the House of the following titles, viz:

H. Res. 17. Resolution providing for a committee to invite Senator Foraker to address the General Assembly.

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

H. B. 125. An act regulating the sale of fertilizers in this Commonwealth.

H. B. 170. An act to regulate the pay of laborers in this Commonwealth.

With an amendment to said last named bill.

That they had passed bills which originated in the Senate of the following titles, viz:

1. S. B. 26. An act to regulate and define the duties and privileges of persons operating stock yards in this Commonwealth.
2. S. B. 109. An act to amend and re-enact section 85, article 8, of chapter 260, of the session acts of 1891-2-3, entitled, "An act to provide for an efficient system of common schools throughout the State."

3. S. B. 153. An act equalizing the license tax relating to circuses, menageries, or other exhibitions, displayed under canvas.
4. S. B. 155. An act to authorize any public school or graded school in this State, having outstanding against it interest-bearing bonds, to refund same, and in lieu thereof to issue other bonds bearing a lower rate of interest.
5. S. B. 159. An act to authorize the Board of Trustees of the Henderson High School to transfer and convey its school building and lot and all other property to the board of education of the city of Henderson, and to admit pupils from Henderson county to high school to be established by the board of education of the city of Henderson, Kentucky, and to repeal an act entitled, "An act to amend an act entitled an act to organize and establish a system of public schools in the city of Henderson," approved March 10, 1873.

Ordered that said bills be referred: The first, to the Committee on Corporate Institutions, the second, fourth and fifth, to the Committee on Education, and the third to the Committee on Codes of Practice.

The House took from the orders of the day:

H. B. 201. An act for the protection of laboring men.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there shall be no personal property exempt from execution, attachment or distress, for debt contracted for labor performed, where the laws do not give the right to enforce a lien for the contract price of such labor. All laws in conflict herewith are hereby repealed.

This act shall take effect and be in force within ninety days after the adjournment of the General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	Harry C. Pulliam,
Bruce Adkins,	J. A. Ingram,	E. Petty,
J. L. Brown,	R. C. Jarnagin,	W. C. Pike,
George H. Bishop,	J. H. Lackey,	V. Perkins,
A. Bertram,	D. D. Lykins,	A. B. Pieratt,
W. H. Cole,	Joseph F. Laufer,	W. H. Ragland,
Reuben Conner,	John M. Letterle,	R. E. Richardson,
A. H. Charlton,	J. M. Lee,	J. S. Robey,
W. W. Combs,	Reuben Morris,	G. Weissinger Smith,
T. W. Clark,	J. J. Marquette,	F. G. Shepherd,
W. T. Chilton,	R. C. Myers,	J. A. Small,
M. T. Freeman,	Noah Marsee,	Miles Spurlock,
W. C. Holland,	John M. Moore,	South Trimble,
C. W. Haverly,	F. May,	George Traver,
J. A. Humphreys,	W. A. Morris,	L. E. Weatherford,
W. C. G. Hobbs,	M. F. North,	C. A. Wilson,
James M. Hall,	Chas. Aaron Nelson,	C. B. Wheeler,
J. H. Hall,	Chas. F. Ogden,	R. E. Watkins,
J. P. Haswell, Jr.,	Michael O'Sullivan,	David Woods,
W. B. Henderson,	L. J. Owen,	Jas. H. Williams-61.
G. W. Hickman,		

Those who voted in the negative were:

B. W. Bradburn,	W. W. Gill,	J. Mc. Meloan,
W. H. Cooke,	J. R. Mallory,	A. J. Thompson,
J. Morgan Chinn,	J. R. Mount,	R. C. Walker-11.
Claude Desha,	W. H. McKee,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.



The House took from the orders of the day:

H. B. 228. An act to amend an act approved June 10, 1893, entitled, "An act relating to courts of practice."

With a substitute heretofore preposed therefor by Mr. O'Sullivan.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 30, article 3, of an act entitled, "An act relating to courts of justice," approved June 10, 1893, be, and the same is hereby amended.

Said section reads as follows, to-wit:

"The quarterly court shall be presided over by the county judge, and there shall be held in each county four terms of the quarterly court each year, at intervals of three months, and upon such days as the county judge may, by an order, entered on the quarterly court order-book fix, and the terms, when so fixed, shall not be changed except at the last regular term held in the year next preceding the year in which the change is to be made; and until changed as herein provided the terms of the courts shall remain as now established; at each term the courts shall remain in session as long as the business requires it."

Said section, when amended, shall read as follows, to-wit:

"The quarterly court shall be presided over by the county judge and there shall be held in each county at least four terms of the quarterly court each year, at intervals of three months, and upon such days as the county judge may fix, by an order entered upon the order-book of said court; but the county judge may by an order so entered provide for holding of monthly terms,

or for continuous sessions of his court, but such order must be made at a regular term of said court and not to take effect until sixty days thereafter. The terms of the court shall remain as now established until changed as herein provided. At each term the court shall remain in session as long as the business requires it."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	E. Petty,
Bruce Adkins,	J. A. Ingram,	W. C. Pike,
B. W. Bradburn,	D. D. Lykins,	V. Perkins,
George H. Bishop,	Joseph F. Laufer,	A. B. Pieratt,
A. Bertram,	J. M. Lee,	W. H. Ragland,
A. H. Charlton,	J. R. Mallory,	R. E. Richardson,
T. W. Clark,	J. R. Mount,	J. S. Robey,
W. H. Cooke,	J. J. Marquette,	S. Atwood Smith,
J. Morgan Chinn,	R. C. Myers,	G. Weissinger Smith,
Claude Desha,	Noah Marsee,	F. G. Shepherd,
J. B. Depp,	John M. Moore,	J. A. Small,
M. T. Freeman,	W. H. McKee,	Miles Spurlock,
W. W. Gill,	F. May,	Ham. Shehan,
W. C. Holland,	W. A. Morris,	A. J. Thompson,
C. W. Haverly,	J. Mc. Meloan,	George Traver,
J. A. Humphreys,	M. F. North,	H. S. Vanzant,
W. C. G. Hobbs,	Chas. Aaron Nelson,	L. E. Weatherford,
James M. Hall,	Emmett Orr,	C. A. Wilson,
J. H. Hall,	Chas. F. Ogden,	C. B. Wheeler,
J. P. Haswell, Jr.,	Michael O'Sullivan,	R. E. Watkins,
W. B. Henderson,	L. J. Owen,	R. C. Walker,
G. W. Hickman,	Harry C. Pulliam,	David Woods—66.

Those who voted in the negative were:

W. T. Chilton,	Reuben Morris,	Jas. H. Williams—3.
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Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

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SATURDAY, FEBRUARY 19, 1898.

The House was opened with prayer by Rev. Bruce Adkins, of Elliott county.

Mr. J. Morgan Chinn, having been designated by Speaker Beckham as Speaker pro tem, in the Chair.

The Journal of yesterday was approved.

Indefinite leave of absence was granted Messrs. Lee and Jeffries.

Mr. Hobbs moved that the rules of the House be suspended in order that the Committee on Charitable Institutions might report the several bills in their hands.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Haswell, Jr.,	W. H. Ragland,
T. H. Armstrong,	W. B. Henderson,	J. S. Robey,
B. W. Bradburn,	G. W. Hickman,	S. Atwood Smith,
J. L. Brown,	Joseph F. Laufer,	F. G. Shepherd,
George H. Bishop,	J. R. Mallory,	J. A. Small,
A. H. Charlton,	J. R. Mount,	Andrew Sargent,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	John M. Moore,	G. B. Stout,
W. H. Cooke,	W. A. Morris,	Ham. Shehan,

J. C. Cantrill,	J. Mc. Meloan,	Frank M. Tracy,
J. E. Cahill,	M. F. North,	George Traver,
Claude Desha,	Chas. Aaron Nelson,	H. S. Vanzant,
J. B. Depp,	Emmett Orr,	L. E. Weatherford,
M. T. Freeman,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	L. J. Owen,	R. C. Walker,
J. S. Hood,	V. Perkins,	J. D. Wills,
J. A. Humphreys,	A. B. Pieratt,	Jas. H. Williams—53.
W. C. G. Hobbs,	L. C. Rawlings,	

Those who voted in the negative were:

W. W. Gill, J. H. Lackey—2.

Mr. Chilton, from said committee, reported bills and a resolution as follows, viz:

H. B. 402. An act for the benefit of Lakeland Asylum.

H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane, at Lexington.

H. Res. 22. Resolution directing the Auditor to draw his warrant upon the Treasurer for the sum of seventy-five dollars in favor of Percy Haley, sergeant-at-arms.

Said bills and resolution were severally read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. Bradburn moved that the rules of the House be suspended in order that the House might take from the orders of the day:

H. B. 302. An act to amend section 65, title 5, Civil Code of Practice of Kentucky.

Said motion was adopted.

The yeas and nays being required thereon by the rules of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
T. H. Armstrong,	J. H. Lackey,	J. S. Robey,

B. W. Bradburn,	D. D. Lykins,	S. Atwood Smith,
George H. Bishop,	Joseph F. Laufer,	F. G. Shepherd,
A. H. Charlton,	J. R. Mallory,	J. A. Small,
W. W. Combs,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	W. A. Morris,	G. B. Stout,
W. H. Cooke,	J. Mc. Meloan,	Ham. Shehan,
J. C. Cantrill,	M. F. North,	A. J. Thompson,
J. E. Cahill,	Chas. Aaron Nelson,	Frank M. Tracy,
Claude Desha,	Emmett Orr,	George Traver,
J. B. Depp,	Chas. F. Ogden,	L. E. Weatherford,
W. W. Gill,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	E. Petty,	R. C. Walker,
J. A. Humphreys,	V. Perkins,	J. D. Wills,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams—53.
W. B. Henderson,	L. C. Rawlings,	

Those who voted in the negative were:

M. T. Freeman,      John M. Moore—2.

Said bill was taken from the orders of the day.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows,  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 65, title 5, of the Civil Codes of Practice, be, and the same is hereby amended by inserting after the words "deceased person" in the second line, "a person assigned for the benefit of creditors, or any estate in the hands of a receiver of the court;" and by inserting after the words "personal representative" in the third line the words "assignor or receiver;" and by inserting after the word "qualified" the words "and for the purpose of a settlement of any such estates such personal representative, assignee or receiver, shall have

the same power to sue as had the deceased person, the assignor or the owner of the estate in the hands of such receiver, but any action brought by such personal representative, assignee or receiver for the recovery of, or for a sale under a mortgage or other lien, or a charge upon or injury to real estate or an estate or interest therein, must be brought in the county in which such real estate or some part thereof is situated, and not elsewhere;" and when so amended said section shall read as follows:

"An action to settle the estate of a deceased person, of a person, corporation or company assigned for the benefit of creditors or any estate in the hands of a receiver of the court must be brought in the county in which such personal representative, assignee or receiver qualified, and for the purpose of a settlement of such estates such personal representative, assignee or receiver, shall have the same power to sue as had the deceased person, the assignor or owner of the estate in such receiver's hands, but any action brought by such personal representative, assignee or receiver, for the recovery of or sale of under a mortgage and of trust or other lien or charges upon, or injury to real estate, or an estate or interest therein must be brought in the county in which such real estate is situated, and not elsewhere, and that in any suit heretofore brought and which is now pending in any courts in this State for the settlement of the estate of a deceased person, or of a person, corporation or company, assigned for the benefit of creditors, and in which the enforcement of mortgaged liens, or other liens upon real estate, or for the recovery of real estate or an interest therein, the judge of said court in which such action is pending, shall by proper orders transfer for hearing and trial that part of the record necessary for the enforcement of such liens, or the recovery of such real estate, to the circuit court of the county in which such land or a part thereof is situated, and such shall be docketed and stand for trial in the court to which same is transferred under this act, as other causes of like nature, as if originally brought in such court.

Sec. 2. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. Whereas, Certain building and loan associations have recently assigned for the benefit of their creditors, having mortgages and other liens upon real property in different counties in this State; and, whereas, a great number of suits are now pending in the circuit court of Jefferson county, this State, wherein mortgages on land in different counties in this State are sought to be enforced, which will result in great inconvenience and expense to the mortgagors and interested parties to attend trial of such causes in Jefferson county, therefor, an emergency exists, and this act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Haswell, Jr.,	E. Petty,
T. H. Armstrong,	W. B. Henderson,	V. Perkins,
B. W. Bradburn,	G. W. Hickman,	A. B. Pieratt,
J. L. Brown,	J. A. Ingram,	L. C. Rawlings,
George H. Bishop,	R. C. Jarnagin,	W. H. Ragland,
A. Bertram,	J. H. Lackey,	R. E. Richardson,
W. H. Cole,	D. D. Lykins,	J. S. Robey,
A. H. Charlton,	Joseph F. Laufer,	F. G. Shepherd,
W. W. Combs,	J. R. Mallory,	W. T. Sharp,
T. W. Clark,	Reuben Morris,	O. P. Searcy,
W. T. Chilton,	J. R. Mount,	Miles Spurlock,
W. H. Cooke,	J. J. Marquette,	G. B. Stout,
J. C. Cantrill,	R. C. Myers,	Ham. Shehan,
J. E. Cahill,	John M. Moore,	A. J. Thompson,
J. Morgan Chinn,	W. H. McKee,	Frank M. Tracy,
John Collins,	W. A. Morris,	George Traver,
Claude Desha,	J. Mc. Meloan,	H. S. Vanzant,
J. B. Depp,	M. F. North,	L. E. Weatherford,

W. W. Gill,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. Holland,	Emmett Orr,	R. C. Walker,
J. S. Hood,	Chas. F. Ogden,	David Woods,
J. A. Humphreys,	L. J. Owen,	Jas. H. Williams—67.
W. C. G. Hobbs,		

Those who voted in the negative were:

M. T. Freeman—1.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Humphreys moved that the rules of the House be suspended in order that the Committee on Agriculture and Manufacture might report:

H. B. 385. An act to fix the hundred weight and ton of hemp, and to prescribe a penalty for a violation thereof.

Said motion was rejected.

The yeas and nays being required thereon by a rule of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. C. Holland,	A. B. Pieratt,
T. H. Armstrong,	J. A. Humphreys,	L. C. Rawlings,
B. W. Bradburn,	W. C. G. Hobbs,	W. H. Ragland,
A. C. Brown,	W. B. Henderson,	R. E. Richardson,
J. L. Brown,	G. W. Hickman,	F. G. Shepherd,
George H. Bishop,	J. H. Lackey,	J. A. Small,
A. Bertram,	D. D. Lykins,	O. P. Searcy,
A. H. Charlton,	J. R. Mallory,	Miles Spurlock,
T. W. Clark,	J. J. Marquette,	G. B. Stout,
W. T. Chilton,	W. A. Morris,	Ham. Shehan,
W. H. Cooke,	Emmett Orr,	Frank M. Tracy,
J. C. Cantrill,	Michael O'Sullivan,	South Trimble,
J. E. Cahill,	E. Petty,	George Traver,
Claude Desha,	V. Perkins,	C. A. Wilson—43.
J. B. Depp,		



Those who voted in the negative were:

W. W. Combs,	W. H. McKee,	L. J. Owen,
J. R. Mount,	Chas. Aaron Nelson,	J. S. Robey—7.
John M. Moore,		

Mr. Orr moved to suspend the rules of the House in order that the Committee on Revenue and Taxation might report:

H. B. 197. An act to amend and re-enact section 4, article 5, of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, and being section 4108 of Kentucky Statutes.

Said motion was rejected.

The yeas and nays being required thereon by a rule of the House, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	G. W. Hickman,	O. P. Searcy,
A. C. Brown,	Emmett Orr,	G. B. Stout,
A. H. Charlton,	Michael O'Sullivan,	Frank M. Tracy,
T. W. Clark,	V. Perkins,	South Trimble,
W. T. Chilton,	L. C. Rawlings,	C. A. Wilson,
J. E. Cahill,	S. Atwood Smith,	J. D. Wills—18.

Those who voted in the negative were:

J. L. Brown,	J. R. Mount,	L. J. Owen,
W. H. Cooke,	John M. Moore,	W. H. Ragland,
J. B. Depp,	Chas. Aaron Nelson,	R. E. Richardson—9.

Mr. Desha moved that the House take a recess of fifteen minutes in order that Hon. John S. Rhea might address the House.

Said motion was adopted.

The House then took a recess.

The House was called to order.

Mr. Trimble moved a call of the House.

Said motion was adopted.

Upon a call of the roll the following members answered to their names, viz:

Those present and answering were:

T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	R. E. Richardson,
J. L. Brown,	Joseph F. Laufer,	J. S. Robey,
George H. Bishop,	J. R. Mallory,	S. Atwood Smith,
A. Bertram,	J. R. Mount,	F. G. Shepherd,
A. H. Charlton,	J. J. Marquette,	J. A. Small,
W. W. Combs,	John M. Moore,	O. P. Searcy,
T. W. Clark,	W. H. McKee,	Miles Spurlock,
W. T. Chilton,	W. A. Morris,	G. B. Stout,
W. H. Cooke,	J. Mc. Meloan,	Ham. Shehan,
J. C. Cantrill,	M. F. North,	A. J. Thompson,
J. E. Cahill,	Chas. Aaron Nelson,	Frank M. Tracy,
J. Morgan Chinn,	Emmett Orr,	South Trimble,
Claude Desha,	Michael O'Sullivan,	George Traver,
J. B. Depp,	L. J. Owen,	L. E. Weatherford,
W. W. Gill,	E. Petty,	C. A. Wilson,
J. A. Humphreys,	V. Perkins,	R. C. Walker,
W. C. G. Hobbs,	A. B. Pieratt,	J. D. Wills,
W. B. Henderson,	L. C. Rawlings,	Jas. H. Williams-57.

Mr. Charlton moved to dispense with further proceedings under the call.

Said motion was adopted.

Mr. Moore of the Committee on Enrollments, reported that the Committee had examined an enrolled bill, which originated in the Senate of the following title, viz:

S. B. 67. An act to create a Board of Penitentiary Commissioners, and regulate the penal institutions of this Commonwealth.

And had found the same correctly enrolled.

Said bill was then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker pro tem of the House of Representatives, in open session affixed his signature thereto, and it was delivered to the Committee to be delivered to the Senate.

After a short time Mr. Moore reported that the Committee had performed that duty.

The clerk of the House reported that he had delivered to the Governor enrolled bills of the following titles, viz:

H. B. 70. An act appropriating money to pay certain claims due the sheriffs and jailer of Menefee county, and directing the Auditor of Public Accounts to draw his warrant on the Treasurer of the State of Kentucky in favor of J. B. Lyons, sheriff, W. Branham, deputy sheriff, and Thos. Greenwade, jailer,

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice, regulating the competency of witnesses in civil actions, and to declare an emergency.

Mr. Small moved to suspend the rules of the House in order that the Committee on Propositions and Grievances might report:

H. B. 316. An act regulating tolls or rent of telephones.

Said motion was rejected.

The yeas and nays being required thereon by a rule of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	R. E. Richardson,
A. Bertram,	Joseph F. Laufer,	S. Atwood Smith,
A. H. Charlton,	J. R. Mount,	J. A. Small,
W. W. Combs,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. A. Morris,	G. B. Stout,

J. C. Cantrill,	M. F. North,	Frank M. Tracy,
J. E. Cahill,	Emmett Orr,	South Trimble,
J. Morgan Chinn,	Michael O'Sullivan,	George Traver,
W. C. Holland,	L. J. Owen,	C. A. Wilson,
J. A. Humphreys,	V. Perkins,	R. C. Walker—35.
W. C. G. Hobbs,	A. B. Pieratt,	

Those who voted in the negative were:

B. W. Bradburn,	J. R. Mallory,	F. G. Shepherd,
J. L. Brown,	John M. Moore,	J. D. Wills,
W. T. Chilton,	Chas. Aaron Nelson,	Jas. H. Williams—11.
W. H. Cooke,	W. H. Ragland,	

Mr. Trimble moved that the House do now adjourn.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Trimble and Stout, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	George H. Bishop,	G. B. Stout,
T. H. Armstrong,	W. H. McKee,	South Trimble—6.

Those who voted in the negative were:

B. W. Bradburn,	G. W. Hickman,	R. E. Richardson,
J. L. Brown,	R. C. Jarnagin,	J. S. Robey,
A. Bertram,	J. H. Lackey,	S. Atwood Smith,
A. H. Charlton,	Joseph F. Laufer,	F. G. Shepherd,
W. W. Combs,	J. R. Mallory,	J. A. Small,
T. W. Clark,	J. R. Mount,	O. P. Searcy,
W. T. Chilton,	J. J. Marquette,	Miles Spurlock,
W. H. Cooke,	W. A. Morris,	Ham. Shehan,
J. C. Cantrill,	M. F. North,	A. J. Thompson,
J. E. Cahill,	Chas. Aaron Nelson,	Frank M. Tracy,
J. Morgan Chinn,	Michael O'Sullivan,	George Traver,
W. W. Gill,	L. J. Owen,	L. E. Weatherford,

W. C. Holland,	Harry C. Pulliman,	C. A. Wilson,
J. A. Humphreys,	A. B. Pieratt,	R. C. Walker,
W. C. G. Hobbs,	L. C. Rawlings,	Jas. H. Williams-47.
W. B. Henderson,	W. H. Ragland,	

Mr. Humphreys moved that the orders of the day be dispensed with for the day in order that the committees might be called for reports.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. A. Humphreys,	L. C. Rawlings,
T. H. Armstrong,	W. C. G. Hobbs,	W. H. Ragland,
B. W. Bradburn,	W. B. Henderson,	R. E. Richardson,
J. L. Brown,	G. W. Hickman,	J. S. Robey,
George H. Bishop,	R. C. Jarnagin,	F. G. Shepherd,
A. Bertram,	J. H. Lackey,	J. A. Small,
A. H. Charlton,	Joseph F. Laufer.	O. P. Searcy,
W. W. Combs,	J. R. Mallory,	Miles Spurlock,
T. W. Clark,	J. R. Mount,	Ham. Shehan,
W. T. Chilton,	J. J. Marquette,	A. J. Thompson,
W. H. Cooke,	W. H. McKee,	Frank M. Tracy,
J. C. Cantrill,	W. A. Morris,	South Trimble,
J. E. Cahill,	J. Mc. Meloan,	George Traver,
J. Morgan Chinn,	M. F. North,	L. E. Weatherford,
J. B. Depp,	Chas. Aaron Nelson,	C. A. Wilson,
W. W. Gill,	Michael O'Sullivan,	R. C. Walker,
W. C. Holland,	L. J. Owen,	J. D. Wills,
J. S. Hood,	A. B. Pieratt,	Jas. H. Williams-54.

Those who voted in the negative were:

C. W. Haverly—1.

Mr. Lackey, from the Committee on Public Health, to which the same had been recommitted, reported:

H. B. 18. An act to prevent butchers and other persons from selling or offering for sale for food, the flesh of any animal dying otherwise than by slaughter, or known to be diseased when slaughtered.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That if any butcher or other person shall sell the flesh of any animal for food, dying otherwise than by slaughter, or slaughtered when known to be diseased, shall be deemed guilty of a felony, and, upon conviction, be confined in the State penitentiary not less than one nor more than two years, or fined not less than two hundred and fifty nor more than five hundred dollars.

Sec. 2. That all laws in conflict herewith are hereby repealed.

Sec. 3. This act shall be in force and take effect within ninety days after the adjournment of the General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	A. B. Pieratt,
J. L. Brown,	G. W. Hickman,	L. C. Rawlings,
A. Bertram,	Anderson Hatfield,	W. H. Ragland,
W. H. Cole,	J. A. Ingram,	R. E. Richardson,
A. H. Charlton,	R. C. Jarnagin,	J. S. Robey,
W. W. Combs,	J. H. Lackey,	S. Atwood Smith,
T. W. Clark,	Joseph F. Laufer,	F. G. Shepherd,
W. T. Chilton,	J. R. Mallory,	J. A. Small,
W. H. Cooke,	Reuben Morris,	O. P. Searcy,
J. C. Cantrill,	J. R. Mount,	Miles Spurlock,
J. E. Cahill,	J. J. Marquette,	Ham. Shehan,

J. Morgan Chinn,	R. C. Myers,	A. J. Thompson,
J. B. Depp,	W. A. Morris,	Frank M. Tracy,
W. W. Gill,	J. Mc. Meloan,	South Trimble,
W. C. Holland,	M. F. North,	L. E. Weatherford,
C. W. Haverly,	Chas. Aaron Nelson,	C. A. Wilson,
J. S. Hood,	Chas. F. Ogden,	R. C. Walker,
J. A. Humphreys,	Michael O'Sullivan,	David Woods,
W. C. G. Hobbs,	L. J. Owen,	Jas. H. Williams—59.
J. P. Haswell, Jr.,	V. Perkins,	

Those who voted in the negative were: none.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hickman moved that the House take a recess of fifteen minutes in order that Hon. J. C. S. Blackburn might address the House.

Said motion was adopted.

The House then took a recess.

After a time the House was called to order.

The committee, to which the same had been referred, reported bills as follows, viz:

By Mr. Lackey, from the Committee on Public Health:

H. B. 325. An act to prevent the driving of diseased hogs, sheep, cattle, or other live stock along or upon any public highway or road in this Commonwealth, or from one county to another, and prescribing penalty therefor.

By same:

H. B. 277. An act to prevent the spread of contagious and infectious diseases.

By same:

H. B. 364. An act creating a hotel, boarding-house and restaurant commission in each county, and providing its powers and duties.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

The committees to which the same had been referred, reported bills and resolutions as follows, viz:

By Mr. Lackey, from the Committee on Public Health:

H. B. 50. An act relating to adulteration of food in the Commonwealth of Kentucky.

By same:

H. B. 208. An act to amend section 3868 of article 1, of chapter 98 of Kentucky Statutes.

By Mr. Henderson, from the Committee on Legislative Accounts:

H. B. 27. An act to further define the duties of the clerk of the House of Representatives.

By Mr. Hickman, from the Committee on Judiciary:

S. B. 54. An act to change the boundaries of the Eight and Eleventh Congressional Districts of Kentucky.

By same:

S. B. 43. An act concerning causes of action against, and liabilities of, master and servant, employer and employee, principal and agent, lessor and lessee, for acts, missions, defaults, neglects and torts of the servant, employee, agent, or lessee and actions thereon or therefor.

By same:

S. B. 151. An act to amend an act entitled, "An act to protect citizens of this Commonwealth from empiricism," approved April 10, 1893.



By same:

S. B. 61. An act concerning the liability of the owners, possessors or operators of railways for the negligence or wrongful acts of servants and fellow-servants.

By same:

S. Res. 3. Resolution providing for payment of balance of salary of Caswell Bennett to his widow, Mary C. Bennett.

Which bills and resolutions were severally read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. Williams introduced:

H. B. 426. An act to amend and re-enact section 24, subsection 15 of General Statutes, being subsections 1 and 5 of section 501 of Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

Mr. Wilson, from the Committee on Federal Relations, to which the same had been referred, reported:

H. Res. 21. Joint resolution on behalf of the patriots in Cuba.

Said resolution was twice read and adopted.

And then the House adjourned.

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WEDNESDAY, FEBRUARY 23, 1898.

The House was opened with prayer by Rev. M. B. Adams, of the Baptist church.

Mr. Speaker Beckham in the chair.

The Journal of Saturday was read.

Mr. Haswell moved the adoption of the following correction of the Journal, viz:

Moves to correct the Journal by inserting the following in the proper place: During the comparison of Senate bill No. 67, Mr. Meyers, of Greenup, secured recognition from the chair and raised the point of order that no quorum was present. The chair ruled the gentleman out of order. Mr. Haswell also obtained the floor and raised the point of no quorum and the chair ruled the gentleman out of order.

Mr. Trimble moved to lay said motion on the table.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Haswell and Meyers, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	W. H. Ragland,
Bruce Adkins,	Joseph F. Laufer,	J. S. Robey,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
J. L. Brown,	J. M. Lee,	G. Weissinger Smith,
A. Bertram,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. D. Mocquot,	J. A. Small,
W. T. Chilton,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	W. J. Mears,	Waller Sharp,
J. Morgan Chinn,	John M. Moore,	G. B. Stout,
A. S. Denton,	W. H. McKee,	Ham. Shehan,
Claude Desha,	W. A. Morris,	B. F. Saunders,
J. B. Depp,	J. Mc. Meloan,	A. J. Thompson,
W. W. Gill,	M. F. North,	Frank M. Tracy,
W. C. Holland,	Chas. Aaron Nelson,	South Trimble,
J. A. Humphreys,	L. J. Owen,	L. E. Weatherford,
W. C. G. Hobbs,	E. Petty,	R. E. Watkins,
John T. Hinton,	V. Perkins,	R. C. Walker,
W. B. Henderson,	A. B. Pieratt,	J. D. Wills,
G. W. Hickman,	L. C. Rawlings,	Jas. H. Williams-60.

Those who voted in the negative were:

W. H. Cole,	Anderson Hatfield,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	Andrew Sargent,
C. W. Haverly,	Reuben Morris,	W. T. Sharp,
J. S. Hood,	R. C. Myers,	H. S. Vanzant,
James M. Hall,	F. May,	David Woods—19.
J. P. Haswell, Jr.		

The Journal of Saturday was then approved as written.

A message was received from the Senate announcing that they passed:

H. B. 172. An act to regulate the business of foreign corporations, etc.

With an amendment proposed thereto by the Senate.

Said amendment was adopted.

Said bill as amended was passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	A. B. Pieratt,
Bruce Adkins,	Joseph F. Laufer,	L. C. Rawlings,
B. W. Bradburn,	John M. Letterle,	W. H. Ragland,
J. L. Brown,	J. M. Lee,	J. S. Robey,
A. Bertram,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. R. Mount,	J. A. Small,
W. T. Chilton,	J. J. Marquette,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	John M. Moore,	G. B. Stout,
J. Morgan Chinn,	W. H. McKee,	Ham. Shehan,
A. S. Denton,	W. A. Morris,	B. F. Saunders,
Claude Desha,	J. Mc. Meloan,	A. J. Thompson,
J. B. Depp,	M. F. North,	South Trimble,

W. W. Gill,	Chas. Aaron Nelson,	L. E. Weatherford,
W. C. Holland,	Emmett Orr,	R. E. Watkins,
J. A. Humphreys,	Michael O'Sullivan,	R. C. Walker,
W. C. G. Hobbs,	L. J. Owen,	J. D. Wills,
W. B. Henderson,	E. Petty,	Jas. H. Williams-56.
G. W. Hickman,	V. Perkins,	

Those who voted in the negative were:

W. H. Cole,	Anderson Hatfield,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	W. T. Sharp,
James M. Hall,	R. C. Myers,	H. S. Vanzant,
J. P. Haswell, Jr.,	F. May,	David Woods,—18.

Resolved, Said bill do pass and that the title thereof be as follows, viz:

An act to fix the conditions upon which foreign corporations formed for the purpose of or engaged in the business of buying, gathering or accumulating information or news, or vending, supplying, distributing or publishing the same, may carry on or transact such or any part thereof in this State, and fixing penalties for violation thereof.

The hour of 11 o'clock A. M. having arrived the House took up for consideration the special order for that hour, viz:

H. B. 264. An act for the more perfect assessment and collection of taxes from railroad companies.

Mr. Bradburn moved that said bill be recommitted to the Committee on Railroads and Commerce.

Said motion was adopted.

Mr. S. Atwood Smith moved the adoption of the following resolution, viz:

Be it resolved, That this House have two sessions each day beginning February 24, continuing until all the business is fin-

ished. The forenoon session to begin at 9:30 o'clock A. M., and ending at 12:30 o'clock P. M. The afternoon session to begin at 2:30 o'clock P. M. and ending at 5:30 o'clock P. M.

Ordered that said resolution be referred to the Committee on Rules.

A message was received from the Governor announcing that he had approved and signed:

H. B. 134. An act to amend certain provisions of the Kentucky Code of Civil Practice, regulating the competency of witnesses in civil actions, and declaring an emergency.

A message was received from the Senate asking the withdrawal from the House of:

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

Ordered that said bill be returned to the Senate.

Said bill was delivered to the Senate.

The committees to which the same had been referred, reported bills as follows:

By Mr. Trimble, from the Committee on State Prisons and House of Reform:

H. B. 376. An act providing for the enlargement of the present dining-room and kitchen and hospital of the Kentucky Penitentiary at Frankfort.

By same:

H. B. 317. An act providing for the enlargement of the electric plant at the penitentiary at Frankfort, and making appropriation therefor.

By Mr. Meloan, from the Committee on Railroads and Commerce:

H. B. 138. An act to amend section 237 of an act entitled, "An act providing for the creation and regulation of private corporations."

By same:

H. B. 424. An act to give employees and others, or their representatives in case of death, injured or killed through the negligence or wrongful act of a person insured against loss by reason of such injury or death, a right of action against the insurer.

By Mr. Nelson, from the Committee on Education:

H. B. 345. An act to amend section 39 of article 5 of an act to provide for an efficient system of common schools throughout the State.

By same:

S. B. 155. An act to authorize any public school or graded school district in this State, having outstanding against it interest-bearing bonds, to refund same, and in lieu thereof to issue other bonds bearing a lower rate of interest.

By same:

S. B. 159. An act to authorize the trustees of the Henderson high school to transfer and convey its school building and lot and all other property to the board of education, of the city of Henderson, and to admit pupils from Henderson county to high school to be established by the board of education of the city of Henderson Kentucky, and to repeal an act entitled, "An act to amend an act to organize and establish a system of public schools in the city of Henderson," approved March 10, 1873.

By same:

H. B. 350. An act for the benefit of the State Normal School for Colored Persons.

By same:

H. B. 378. An act to provide for changes in school district boundaries.

Said bills were severally read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

The committees to which the same had been referred, reported bills as follows, viz:

By Mr. Nelson, from the Committee on Education:

H. B. 259. An act to amend section 90, chapter 260, article 8 of an act approved July 6, 1896:

By same:

H. B. 254. An act entitled an act to amend and revise the common school laws of Kentucky.

By same:

H. B. 254. An act to repeal an act entitled, "An act to establish a system of common schools in the town of Dixie, Henderson county," approved March 19, 1888.

With the expression of opinion that said bills should not pass.

Said bills were read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Mr. Nelson, from the Committee on Railroads and Commerce, to which the same had been referred, reported bills as follows, viz:

H. B. 263. An act to amend section 795 of subdivision 2, article 5, chapter 32 of the Kentucky Statutes, act of May 24, 1892, relating to railroads.

H. B. 144. An act to regulate suits for damages against railroad companies or common carries and to add attorney's fees to judgments in said suits.

With the expression of opinion that said bills should not pass.

Said bills were read the first time in full.

The question being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary, notwithstanding, it was decided in the affirmative.

Ordered that said bills be printed, placed on the calendar and read the second time on some other day.

Mr. Meloan, from the Committee on Railroads and Commerce to which the same had been referred, reported:

H. B. 423. An act to create a lien on railroads in favor of persons having claims for damages for personal injuries or death caused by the negligence of railroad companies, its lessees or employees.

Without an expression of opinion.

Said bill was read the first time in full ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Nelson, from the Committee on Education, to which the same had been referred, reported:

H. B. 322. An act to amend an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the first class,'" approved July 1, 1893, which act was approved

Pending the reading of said bill, the hour of 12 o'clock M. having arrived, the further consideration of said bill was cut off by the orders of the day.

The House took from the calendar:

H. B. 170. An act to regulate the pay of laborers in this Commonwealth.

With an amendment proposed thereto by the Senate.

Said amendment was adopted.

Said bill as amended was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:



Those who voted in the affirmative were:

B. W. Bradburn,	G. W. Hickman,	R. E. Richardson,
J. L. Brown,	Anderson Hatfield,	E. H. Read,
A. Bertram,	J. P. Jeffries,	J. S. Robey,
W. H. Cole,	J. H. Lackey,	G. Weissinger Smith,
A. H. Charlton,	D. D. Lykins,	F. G. Shepherd,
W. T. Chilton,	John M. Letterle,	J. A. Small,
W. H. Cooke,	J. M. Lee,	W. T. Sharp,
J. C. Cantrill,	J. R. Mallory,	O. P. Searcy,
J. E. Cahill,	Reuben Morris,	Miles Spurlock,
A. S. Denton,	J. R. Mount,	G. B. Stout,
Claude Desha,	J. J. Marquette,	Ham. Shehan,
J. B. Depp,	W. J. Mears,	B. F. Saunders,
M. T. Freeman,	W. H. McKee,	A. J. Thompson,
W. W. Gill,	F. May,	South Trimble,
J. H. Hall,	M. F. North,	H. S. Vanzant,
C. W. Haverly,	Chas. Aaron Nelson,	C. A. Wilson,
J. A. Humphreys,	L. J. Owen,	R. E. Watkins,
W. C. G. Hobbs,	V. Perkins,	R. C. Walker,
James M. Hall,	A. B. Pieratt,	David Woods,
John T. Hinton,	L. C. Rawlings,	J. D. Wills,
W. B. Henderson,	W. H. Ragland,	Jas. H. Williams-63.

Those who voted in the negative were: none.

The House took from the calendar bills of the following titles, viz:

S. B. 93. An act to amend section 78, of article 3, chapter 171, of acts of session 1891-2-3, entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

S. B. 44. An act to amend and re-enact section 1, of chapter 31, of an act entitled, "An act providing for the creation and regulation of private corporations," approved March 21, 1896.

H. B. 225. An act to amend an act entitled, "An act for the creation and regulation of private corporations," which became a law without the approval of the Governor, April 5, 1893.

H. B. 126. An act to allow towns where no registration is required to hold separate elections.

H. B. 384. An act to repeal section 656, subdivision 2, of article 4 of an act entitled, "Corporations, private."

H. B. 332. An act to amend section 15, article 3, chapter 65, of an act entitled, "An act to regulate election laws of Kentucky," of session acts 1891-2-3.

H. B. 348. An act giving effect to so much of section 199 of the Constitution of the Commonwealth of Kentucky as provides for the right to construct and maintain lines of telegraph in this State.

H. B. 403. An act to amend sections 256, 257, 258, 259, 261, 262 and 263 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

H. B. 357. An act to protect persons, firms, associations, unions and corporations in their labels, trade-marks and forms of advertising, and providing penalties.

H. B. 119. An act to amend section 1482 of the acts of the General Assembly of the Commonwealth of Kentucky, entitled, "Elections," approved June 3, 1892.

S. B. 54. An act to change the boundaries of the Eighth and Eleventh Congressional Districts of Kentucky.

Which bills were severally read the second time and placed in the orders of the day.

The House took from the calendar bills of the following titles, viz:

H. B. 145. An act to further regulate elections.

H. B. 303. An act to define trusts, and to provide for penalties and punishments of corporations, persons, firms and

associations of persons connected with them, and to promote free competition in the State of Kentucky.

Which were read the second time and recommitted, the first to the Committee on Kentucky Statutes, and the latter to the Committee on Corporate Institutions.

The House took from the orders of the day:

H. Res. 2. Resolution providing for amendment to the Constitution.

Mr. Tracy moved that the House go into the Committee of the Whole to consider said resolution.

Said motion was adopted.

The House went into committee, with Mr. Hickman in the chair.

After a time, the committee rose, reported progress, and asked leave to sit again.

And then the House adjourned.

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THURSDAY, FEBRUARY 24, 1898.

The House was opened with prayer by Rev. Walter S. Willis, of Flemingsburg.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. George W. Smith moved the adoption of the following resolution, viz:

Whereas, Certain gentlemen interested in the breeding of horses desire to discuss the subject before the members of this House, who are respectfully requested to attend;

Therefore, be it resolved by the House that the privileges of this hall be extended to the gentlemen at 7:30 o'clock to-night.

Said resolution was adopted.

The House took up for consideration the unfinished business of yesterday, viz:

H. B. 322. An act to amend an act entitled, "An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, which act was approved March 23, 1894.

Said bill was read in full the first time, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. Orr, from the Committee on Revenue and Taxation, to which the same had been recommitted, reported:

H. B. 29. An act to repeal chapter 1562, of the session acts of 1887-8, entitled, "An act to establish a state board of equalization of assessments in this Commonwealth," and the act amendatory thereto of session acts 1889-90, and also article 16, of chapter 108, of the Kentucky Statutes. •

With a substitute proposed therefor by the Committee.

Mr. Orr moved to postpone the further consideration of said bill until to-morrow at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was rejected.

The substitute proposed by the committee was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all of chapter 1562 of acts of the General Assembly, of session 1887-8, entitled, "An act to

establish a State Board of Equalization of Assessments in this Commonwealth," approved May 4, 1888, also the act amendatory thereto, of sessions acts 1889-90, approved May 27, 1890, which are the same as article 16 of chapter 108 of the Kentucky Statutes, be, and the same are hereby repealed and held for naught.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	R. C. Jarnagin,	L. C. Rawlings,
J. L. Brown,	D. D. Lykins,	J. S. Robey,
George H. Bishop,	J. M. Lee,	F. G. Shepherd,
A. Bertram,	J. D. Mocquot,	J. A. Small,
W. H. Cole,	Reuben Morris,	W. T. Sharp,
Reuben Conner,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	R. C. Myers,	Waller Sharp,
J. E. Cahill,	Noah Marsee,	G. B. Stout,
John Collins,	John M. Moore,	B. F. Saunders,
A. S. Denton,	W. H. McKee,	Frank M. Tracy,
J. B. Depp,	F. May,	George Traver,
W. W. Gill,	J. H. Minor,	H. S. Vanzant,
W. C. Holland,	W. A. Morris,	L. E. Weatherford,
J. A. Humphreys,	J. Mc. Meloan,	C. A. Wilson,
James M. Hall,	M. F. North,	C. B. Wheeler,
J. H. Hall,	L. J. Owen,	R. E. Watkins,
J. P. Haswell, Jr.,	E. Petty,	R. C. Walker,
G. W. Hickman,	W. C. Pike,	J. D. Wills,
Anderson Hatfield,	V. Perkins,	Jas. H. Williams-62.
J. P. Jeffries,	A. B. Pieratt,	

Those who voted in the negative were:

Bruce Adkins,	J. S. Hood,	Emmett Orr,
T. H. Armstrong,	W. C. G. Hobbs,	Chas. F. Ogden,

B. W. Bradburn,	John T. Hinton,	W. H. Ragland,
A. H. Charlton,	W. B. Henderson,	R. E. Richardson,
W. H. Cooke,	J. H. Lackey,	E. H. Read,
J. C. Cantrill,	Joseph F. Laufer,	G. Weissinger Smith,
Claude Desha,	John M. Letterle,	A. J. Thompson,
M. T. Freeman,	J. R. Mallory,	South Trimble,
C. W. Haverly,	W. J. Mears,	David Woods—27.

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to repeal chapter 1562 of the sessions acts of 1887-8, entitled, "An act to establish a State Board of Equalization of Assessments in this Commonwealth," approved May 4, 1888; also the acts amendatory thereto of session acts 1889-90, approved May 27, 1890, which are the same as article 16, of chapter 108, of the Kentucky Statutes.

Mr. Orr, from the Committee on Revenue and Taxation to which the same had been referred, reported the following bills, viz:

H. B. 197. An act to amend and re-enact section 4, article 5, of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, and being section 4108, of the Kentucky Statutes.

S. B. 28. An act to amend an act entitled, "An act to regulate and insure the assessment of property for taxation and the payment of taxes thereon, belonging to non-residents of counties in which the same is situated," approved March 19, 1894.

H. B. 366. An act to amend an act entitled, "An act relating to revenue and taxation," which became a law without the approval of the Governor, on November 11, 1892.

H. B. 286. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

H. B. 285. An act to amend and re-enact section 19, of an act entitled, "An act relating to revenue and taxation," ap-

proved November 11, 1892, as amended by section 2, of chapter 45, of the session acts of 1894, the same being section 4147, of the Kentucky Statutes.

H. B. 284. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

H. B. 91. An act to prevent the cheap sale of delinquent taxes, etc.

Which bills were severally read the first time in full and ordered to be printed and placed on the calendar and read the second time on some other day.

The House took from the calendar bills and resolutions of the following titles, viz:

H. B. 402. An act for the benefit of Lakeland Asylum.

H. B. 50. An act relating to adulteration of food in the Commonwealth of Kentucky.

H. B. 43. An act concerning causes of action against, and liabilities of, masters and servants, employer and employee, principal and agent, lessor and lessee, for acts, omissions, defaults, neglects and torts of the servant, employee, agent or lessee, and actions thereon or therefor.

H. B. 27. An act to further define the duties of the clerk of the House of Representatives.

S. B. 61. An act concerning the liability of the owners, possessors or operators of railways for the negligence or wrongful acts of servants or fellow-servants.

S. Res. 3. Resolution providing for payment of balance salary of Caswell Bennett, to his widow, Mary C. Bennett.

S. B. 151. An act to amend an act entitled, "An act to protect citizens of this Commonwealth from empiricism," approved April 10, 1893.

H. Res. 22. Resolution directing the Auditor to draw his warrant on the Treasurer for the sum of seventy-five dollars in favor of Percy Haley, sergeant-at-arms.

Which bills and resolutions were severally read the second time and placed in the orders of the day.

A message was received from the Senate announcing that they had passed:

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

With an amendment proposed thereto by the Senate.

That they had passed:

H. B. 137. An act to amend chapter 88 of the Kentucky Statutes, title, "Mines and mining."

Ordered that the first be placed in the orders of the day, and the second be referred to the Committee on Mines and Mining.

The hour of 12 o'clock, M., having arrived, the House took from the orders of the day:

H. Res. 2. Resolution providing for amendment to the Constitution.

Mr. Tracy moved that the House resolve itself into the Committee of the Whole for the consideration of said resolution.

Said motion was adopted.

The House then went into the Committee of the Whole with Mr. Hickman in the chair

After a time the committee arose and reported said resolution to the House with the expression of opinion that said resolution should not be adopted.

Said resolution was read the third time and rejected, as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Three-fifths of all members elected in each house agreeing thereto, the yeas and nays of the members of each house being taken thereon, and entered in full in their respective journals.



"That section 91 of the present Constitution be amended by striking therefrom the words, "Commissioner of Agriculture, Labor and Statistics," so that said section 91 will read:

"A Treasurer, Auditor of Public Accounts, Register of Land Office, Secretary of State, Attorney-General and Superintendent of Public Instruction shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law, and the Secretary of State shall keep a fair register of and attest all the official acts of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto before either house of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their election, and shall hold their offices until their successors are elected and qualified."

Sec. 2. This amendment shall be submitted to the voters of the State, for their ratification or rejection, at the time and in the manner provided for under section 256 of the Constitution.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	John M. Moore,	Andrew Sargent,
Reuben Conner,	W. A. Morris,	Waller Sharp,
T. W. Clark,	M. F. North,	B. F. Saunders,
J. E. Cahill,	W. C. Pike,	A. J. Thompson,
J. B. Depp,	L. C. Rawlings,	South Trimble,
W. W. Gill,	W. H. Ragland,	George Traver,
W. C. Holland,	J. S. Robey,	H. S. Vanzant,
W. B. Henderson,	S. Atwood Smith,	L. E. Weatherford,
R. C. Jarnagin,	F. G. Shepherd,	J. D. Wills,
J. R. Mount,	J. A. Small,	Jas. H. Williams—30.

Those who voted in the negative were:

T. H. Armstrong,	J. H. Hall,	Chas. F. Ogden,
B. W. Bradburn,	John T. Hinton,	Michael O'Sullivan,
J. L. Brown,	J. P. Haswell, Jr.,	L. J. Owen,
George H. Bishop,	G. W. Hickman,	E. Petty,
A. Bertram,	Anderson Hatfield,	V. Perkins,
W. H. Cole,	J. P. Jeffries,	A. B. Pieratt,
W. T. Chilton,	D. D. Lykins,	R. E. Richardson,
W. H. Cooke,	John M. Letterle,	E. H. Read,
J. C. Cantrill,	J. M. Lee,	G. Weissinger Smith,
J. Morgan Chinn,	J. R. Mallory,	W. T. Sharp,
John Collins,	Reuben Morris,	O. P. Searcy,
A. S. Denton,	J. J. Marquette,	Miles Spurlock,
Claude Desha,	W. J. Mears,	Ham. Shehan,
M. T. Freeman,	R. C. Myers,	Frank M. Tracy,
C. W. Haverly,	Noah Marsee,	C. A. Wilson,
J. S. Hood,	W. H. McKee,	R. E. Watkins,
J. A. Humphreys,	F. May,	R. C. Walker,
W. C. G. Hobbs,	J. H. Minor,	David Woods—56.
James M. Hall,	Emmett Orr;	

So said resolution was rejected.

The House took a recess until 3 o'clock P. M.

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#### AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Speaker Beckham in the chair.

The House took from the orders of the day:

H. B. 5. An act to prohibit the use of cigarettes and to provide the punishment for its violation.

With a substitute proposed therefor by the Committee on Public Morals.

Mr. Hobbs moved a call of the House.

Said motion was adopted.

Upon the call of the roll the following members answered to their names, viz:

Those present and answering were:

M. Abele,	W. C. G. Hobbs,	V. Perkins,
Bruce Adkins,	John T. Hinton,	A. B. Pieratt,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
George H. Bishop,	G. W. Hickman,	R. E. Richardson,
A. Bertram,	J. H. Lackey,	E. H. Read,
W. H. Cole,	Joseph F. Laufer,	J. S. Robey,
Reuben Conner,	John M. Letterle,	S. Atwood Smith,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
T. W. Clark,	J. R. Mallory,	J. A. Small,
W. T. Chilton,	Reuben Morris,	O. P. Searcy,
W. H. Cooke,	J. R. Mount,	Ham. Shehan,
J. C. Cantrill,	J. J. Marquette,	B. F. Saunders,
J. Morgan Chinn,	W. J. Mears,	A. J. Thompson,
A. S. Denton,	Noah Marsee,	Frank M. Tracy,
Claude Desha,	John M. Moore,	George Traver,
J. B. Depp,	W. H. McKee,	H. S. Vanzant,
W. W. Gill,	W. A. Morris,	L. E. Weatherford,
W. C. Holland,	J. Mc. Meloan,	C. A. Wilson,
C. W. Haverly,	M. F. North,	R. C. Walker,
J. A. Humphreys,	Emmett Orr,	Jas. H. Williams-60.

Mr. Hobbs moved to dispense with further proceedings under the call.

Said motion was adopted.

The House resumed the consideration of the aforementioned bill.

Mr. Gill moved an amendment to said substitute.

Said amendment was rejected.

Mr. Orr moved an amendment to said substitute.

Said amendment was rejected.

Mr. Moore moved an amendment to said substitute.

Said amendment was rejected.

Mr. Vanzant moved an amendment to said substitute.

Said amendment was rejected.

Said substitute was then adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any person to sell, barter or loan or give, to make, fabricate or manufacture, to have on his premises, in his possession or under his control, a cigarette, whether made by hand or manufactured, whether it be made of tobacco or other substance, whether it be covered with paper or any other material. It shall be unlawful for any person to have on his premises, in his possession or under his control any substance or material out of which any part of such cigarette could be made with the knowledge or purpose that at any time such substance or material might become a factor of such cigarette.

Sec. 2. Any person who shall violate the law as set forth in the first paragraph of this act, or shall evade it by any trick, artifice or method whatever, shall, on conviction, be fined not less than ten nor than one hundred dollars, or imprisoned in the county jail for not less than five nor more than fifty days, or both so fined and imprisoned in the discretion of the jury, and each violation or evasion of law shall be deemed a separate offense.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	A. B. Pieratt,
J. L. Brown,	G. W. Hickman,	L. C. Rawlings,
George H. Bishop,	Anderson Hatfield,	W. H. Ragland,
Reuben Conner,	J. P. Jeffries,	R. E. Richardson,
T. W. Clark,	R. C. Jarnagin,	E. H. Read,
W. T. Chilton,	J. H. Lackey,	S. Atwood Smith,
W. H. Cooke,	D. D. Lykins,	F. G. Shepherd,
J. Morgan Chinn,	Joseph F. Laufer,	J. A. Small,
John Collins,	Reuben Morris,	W. T. Sharp,
A. S. Denton,	J. R. Mount,	O. P. Searcy,
M. T. Freeman,	W. J. Mears,	B. F. Saunders,
W. C. Holland,	R. C. Myers,	George Traver,
C. W. Haverly,	Noah Marsee,	L. E. Weatherford,
J. A. Humphreys,	John M. Moore,	C. A. Wilson,
W. C. G. Hobbs,	W. A. Morris,	R. E. Watkins,
James M. Hall,	Chas. F. Ogden,	R. C. Walker,
J. H. Hall,	L. J. Owen,	David Woods,
John T. Hinton,	E. Petty,	Jas. H. Williams—56.
J. P. Haswell, Jr.,	V. Perkins,	

Those who voted in the negative were:

M. Abele,	J. S. Hood,	Emmett Orr,
B. W. Bradburn,	John M. Letterle,	Michael O'Sullivan,
A. Bertram,	J. M. Lee,	J. S. Robey,
W. H. Cole,	J. J. Marquette,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mallory,	Andrew Sargent,
J. C. Cantrill,	W. H. McKee,	G. B. Stout,
Claude Desha,	F. May,	Ham. Shehan,
J. B. Depp,	J. Mc. Meloan,	A. J. Thompson,
W. W. Gill,	M. F. North,	H. S. Vanzant—27.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 82. An act to repeal in part chapter 106 of the acts of 1867, approved January 22, 1867.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act to amend the charter of the Twelve-Mile Turnpike Company," approved March 1, 1854, which act was approved January 22, 1867, be and the same is hereby repealed.

Sec. 2. Because of the oppressive tolls exacted under the act hereby repealed, an emergency exists that this act go into effect as soon as may be, and this act shall go into effect as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	W. H. Ragland,
Bruce Adkins,	G. W. Hickman,	R. E. Richardson,
B. W. Bradburn,	J. P. Jeffries,	E. H. Read,
J. L. Brown,	J. H. Lackey,	J. S. Robey,
George H. Bishop,	John M. Letterle,	S. Atwood Smith,
A. Bertram,	J. M. Lee,	G. Weissinger Smith,
W. H. Cole,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	J. R. Mount,	J. A. Small,
A. H. Charlton,	J. J. Marquette,	O. P. Searcy,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	Noah Marsee,	Ham. Shehan,

W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. C. Cantrill,	W. H. McKee.	A. J. Thompson,
J. Morgan Chinn,	W. A. Morris,	South Trimble,
A. S. Denton,	J. Mc. Meloan,	George Traver,
Claude Desha,	M. F. North,	H. S. Vanzant,
J. B. Depp,	Chas. F. Ogden,	L. E. Weatherford,
W. W. Gill,	Michael O'Sullivan,	C. A. Wilson,
W. C. Holland,	L. J. Owen,	R. E. Watkins,
C. W. Haverly,	W. C. Pike,	R. C. Walker,
J. S. Hood,	E. Petty,	David Woods,
J. A. Humphreys,	V. Perkins,	J. D. Wills,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams—71.
J. H. Hall,	L. C. Rawlings,	

Those who voted in the negative were:

Frank M. Tracy—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 109. An act to amend an act relating to fees, approved June 5, 1893.

With an amendment proposed thereto by the Senate.

Said amendment was rejected.

The House took from the orders of the day:

H. B. 36. An act authorizing the employment of convict labor upon public roads, and providing therefor.

Mr. Walker moved to recommit said bill to the Committee on Judiciary.

Said motion was adopted.

The House took from the orders of the day:

H. B. 38. An act to amend section 6 of an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896.

Pending the consideration of said bill the hour of 5 o'clock arrived.

And then the House adjourned.

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FRIDAY, FEBRUARY 25, 1898.

The House was opened with prayer by Rev. Wm. Crowe, of the M. E. church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Upon the call of counties for the introduction of bills and resolutions, the following were introduced and referred, viz:

By Mr. May:

H. B. 427. An act to amend section 1379 of the Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 428. An act to amend section 1846 of chapter 52, entitled, "Fiscal courts," of the Kentucky Statutes, and relating to the publication of the financial condition of any county.

Referred to the Committee on Kentucky Statutes.

By Mr. Haswell:

H. B. 429. An act to amend section 826, chapter 32, Kentucky Statutes, entitled, "Corporations."

Referred to the Committee on Corporate Institutions.

By same:

H. B. 430. An act to repeal an act entitled, "An act to prohibit the sale of spirituous, vinous, malt or intoxicating liquors."



Referred to the Committee on Criminal Law.

By same:

H. B. 431. An act for the benefit of the Filson Club.

Referred to the Committee on Public Offices and Libraries.

By Mr. Morris:

H. B. 432. An act providing for the sale and appropriation by the State of the property of certain idiots and lunatics. .

Referred to the Committee on Judiciary.

By Mr. Meloan:

H. B. 433. An act for the benefit of experienced drug-clerks of this Commonwealth.

Referred to the Committee on Public Health.

By Mr. Bishop:

H. B. 434. An act to provide for county police in certain counties.

Referred to the Committee on Municipalities.

By Mr. W. T. Sharp:

H. B. 435. An act providing penalty for fraudulent checks.

Referred to the Committee on Criminal Law.

By same:

H. B. 436. An act to amend subsection 3 of section 2613, Kentucky Statutes.

Referred to the Committee on Public Health.

By Mr. Sargent:

H. B. 437. An act requiring the counties to which State troops are sent by the Governor to pay the expenses thereof.

Referred to the Committee on Claims.

By same:

H. B. 438. An act to further regulate the weather in the Commonwealth of Kentucky.

Referred to the Committee on Federal Relations.

By Mr. Watkins:

H. B. 439. An act to amend an act entitled, "An act empowering the county courts of this Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, convenience or welfare of its inhabitants," approved July 10, 1893.

Referred to the Committee on Criminal law.

By same:

H. B. 440. An act to amend an act entitled, "An act relating to courts of justice," approved June 10, 1893.

Referred to the Committee on County and City Courts.

By Mr. Hobbs:

H. B. 441. An act to appropriate money for the expense of conducting the house of reform.

Referred to the Committee on Charitable Institutions.

By Mr. Collins:

H. B. 442. An act to amend chapter 109, session acts 1891-2-3, entitled, "An act concerning guardians," approved December 3, 1892.

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 443. An act to amend and re-enact section 1448, chapter 41, of Kentucky Statutes, relating to election officers.

Referred to the Committee on Suffrage and Elections.

By same:

H. B. 444. An act to amend article 15, section 1, of an act relating to executions, approved June 10, 1893, section 1697.

Referred to the Committee on Kentucky Statutes.

By Mr. Myers:

H. B. 445. An act to amend section 2246, chapter 47, article 1, of General Statutes.

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 446. An act to establish the Thirty-first judicial district of this Commonwealth.

Referred to the Committee on Circuit Courts.

By same:

H. B. 447. An act to authorize the chief justice of Court of Appeals to appoint official stenographer.

Referred to the Committee on Court of Appeals.

By Mr. Meyers:

H. B. 448. An act to amend section 17, article 7, of an act entitled, "An act for the government of cities of the sixth class."

Referred to the Committee on Municipalities.

By same.

H. B. 449. An act to amend chapter 217, session acts 1891-2-3, approved June 9, 1898.

Referred to the Committee on Criminal Law.

By same:

H. B. 450. An act to enable counties to supplement the State school fund by voting a county tax in aid thereof.

Referred to the Committee on Education.

By same.

H. B. 451. An act to amend section 523 of chapter 29, Kentucky Statutes, entitled "Conveyances."

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 452. An act to establish two State teacher's training schools.

Referred to the Committee on Education.

By same:

H. B. 453. An act to establish houses of reform, one for boys and one for girls, and to provide for the government and appropriation therefor.

Referred to the Committee on Charitable Institutions.

By Mr. J. L. Brown:

H. B. 454. An act to repeal an act entitled, "An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville," approved March 28, 1873.

Referred to the Committee on Kentucky Statutes.

By Mr. Abele:

H. B. 455 An act to amend an act entitled, "Municipal corporations," article 3, cities of the second class, section 3143, which became a law March 19, 1894

Referred to the Committee on Municipalities.

By same:

H B 456 An act to provide a chief deputy and transfer clerk for the county assessor in counties where there is a city of the second class having a population of more than forty thousand

Referred to the Committee on Municipalities.

By Mr. Lackey:

H. B. 457. An act to amend chapter 110, Kentucky Statutes, relating to roads and passways.

Referred to the Committee on Internal Improvements.

By Mr. Ogden:

H. B. 458. An act to repeal an act entitled, "An act to regulate and provide for the advertisement of sales of real estate."

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 459. An act to provide for borrowing money on behalf of the Commonwealth of Kentucky.

Referred to the Committee on Sinking Fund.

By same:

H. B. 460. An act to amend section 3 of an act entitled, "An act to authorize the court of claims or levy or fiscal courts of the counties of this Commonwealth to levy and collect a poll and ad valorem tax for county purposes," and declaring an emergency.

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 461. An act to amend and re-enact 319 Civil Code of Practice.

Referred to the Committee on Civil Codes.

By same:

H. B. 462. An act to repeal in part and to amend an act entitled, "An act whereby the sense of the people of any county, city, town or district may be taken as to whether spirituous or malt liquors may be sold, bartered or loaned therein," approved March 10, 1894.

Referred to the Committee on Public Morals.

By Mr. G. Weissinger Smith:

H. B. 463. An act relating to the appointment of police matrons in cities of the first class in this State.

Referred to the Committee on Municipalities.

By Mr. Hickman:

H. B. 464. An act providing for an appeal to the Court of Appeals from judgments or order of punishment for contempt.

Referred to the Committee on Judiciary.

By Mr. Vanzant:

H. B. 465. An act to prohibit officers of this Commonwealth from drawing salaries for services not rendered.

Referred to the Committee on Kentucky Statutes.

By same:

H. B. 466. An act to amend section 66, of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law without the approval of the Governor April 5, 1893.

Referred to the Committee on Corporate Institutions.

By Mr. Vanzant:

H. B. 467. An act to amend article 6, chapter 171, session acts 1891-2-3, entitled, "An act providing for the creation and regulation of private corporations."

Referred to the Committee on Corporate Institutions.

By Mr. Jarnigan:

H. B. 468. An act to amend section 2, chapter 106, acts 1891-2-3, entitled, "An act concerning the office of coroner."

Referred to the Committee on County and City Courts.

By same:

H. B. 469. An act to amend section 59, of the act entitled, "An act relating to courts of justice."

Referred to the Committee on County and City Courts.

By same:

H. B. 470. An act to amend and re-enact section 16, of article 9, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, and being section 3227 of the Kentucky Statutes.

Referred to the Committee on Municipalities.

By same:

H. B. 471. An act to amend section 1308, of subdivision 8, article 4, chapter 36, Kentucky Statutes, entitled, "Crimes and punishment."

Referred to the Committee on Criminal Law.

By same:

H. B. 472. An act to amend section 1894, chapter 53, Kentucky Statutes, entitled, "Fish."

Referred to the Committee on Criminal Law.

By same:

H. B. 473. An act to amend and re-enact section 1453, of Kentucky Statutes.

Referred to the Committee on Kentucky Statutes.

By Mr. Saunders:

H. B. 474. An act to protect public buildings and other property belonging to the several counties of this Commonwealth, and to provide a punishment for offenders of those acts.

Referred to the Committee on Criminal Law.

By Mr. Desha:

H. B. 475. An act regulating holding local option elections.

Referred to the Committee on Criminal Law.

Mr. Cooke moved that when this House adjourn at 1:30 o'clock to-day it be to meet again at 3 o'clock this afternoon.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Ogden and Vanzant were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	B. W. Henderson,	J. S. Robey,
Bruce Adkins,	G. W. Hickman,	S. Atwood Smith,
T. H. Armstrong,	John M. Letterle,	F. G. Shepherd,
B. W. Bradburn,	J. R. Mallory,	J. A. Small,
A. C. Brown,	J. R. Mount,	Miles Spurlock,
George H. Bishop,	W. J. Mears,	Waller Sharp,
A. Bertram,	W. H. McKee,	G. B. Stout,
T. W. Clark,	W. A. Morris,	B. F. Saunders,
W. T. Chilton,	M. F. North,	A. J. Thompson,
W. H. Cooke,	Chas. Aaron Nelson,	South Trimble,

J. C. Cantrill,	Harry C. Pulliam,	George Traver,
J. E. Cahill,	E. Petty,	L. E. Weatherford,
J. Morgan Chinn,	V. Perkins,	C. A. Wilson,
A. S. Denton,	A. B. Pieratt,	R. E. Watkins,
Claude Desha,	L. C. Rawlings,	R. C. Walker,
W. C. Holland,	W. H. Ragland,	J. D. Wills,
J. A. Humphreys,	R. E. Richardson,	Jas. H. Williams-51.

Those who voted in the negative were:

J. L. Brown,	J. P. Jeffries,	Emmett Orr,
W. H. Cole,	R. C. Jarnagin,	Chas. F. Ogden,
Reuben Conner,	J. H. Lackey,	Michael O'Sullivan,
A. H. Charlton,	D. D. Lykins,	L. J. Owen,
John Collins,	Joseph F. Laufer,	W. C. Pike,
J. B. Depp,	J. M. Lee,	E. H. Read,
M. T. Freeman,	J. D. Mocquot,	G. Weissinger Smith,
W. W. Gill,	Reuben Morris,	Andrew Sargent,
J. S. Hood,	J. J. Marquette,	W. T. Sharp,
W. C. G. Hobbs,	R. C. Myers,	O. P. Searcy,
James M. Hall,	Noah Marsee,	Ham. Shehan,
J. H. Hall,	John M. Moore,	Frank M. Tracy,
John T. Hinton,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.	J. H. Minor,	C. B. Wheeler,
Anderson Hatfield,	J. Mc. Meloan,	David Woods-45.

Mr. Cooke moved to reconsider the vote by which said motion was adopted, and moved to lay that motion on the table.

Said last named motion was adopted.

Mr. Tracy moved to reconsider the vote by which the House recommitted to the Committee on Kentucky Statutes:

S. B. 145. An act to further regulate elections.

The Speaker ruled said motion out of order.

From which decision Messrs. Tracy and Mocquot appealed to the House.



Said appeal was reduced to writing as follows, viz:

The gentleman from Covington, Mr. Tracy, moved to reconsider the vote by which Senate Bill 145 was recommitted to the Committee on General Statutes, which motion the Speaker declared to be out of order, from which decision the gentleman from Covington seconded by the gentleman from McCracken respectfully appeals to the House.

The Speaker called Mr. Trimble to the chair to preside pending the appeal.

Mr. Trimble on taking the chair stated the question to be: "Shall the decision of the chair stand as the decision of the House?"

Mr. Chinn moved to lay the appeal upon the table.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Jarnagin and Tracy, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	R. E. Richardson,
Bruce Adkins,	G. W. Hickman,	J. S. Robey,
T. H. Armstrong,	John M. Letterle,	S. Atwood Smith,
B. W. Bradburn,	J. R. Mallory,	F. G. Shepherd,
A. C. Brown,	J. R. Mount,	J. A. Small,
George H. Bishop,	J. J. Marquette,	Waller Sharp,
A. Bertram,	W. J. Mears,	G. B. Stout,
A. H. Charlton,	John M. Moore,	B. F. Saunders,
T. W. Clark,	W. H. McKee,	A. J. Thompson,
W. T. Chilton,	W. A. Morris,	South Trimble,
W. H. Cooke,	M. F. North,	George Traver,
J. C. Cantrill,	Chas. Aaron Nelson,	L. E. Weatherford,
J. E. Cahill,	E. Petty,	C. A. Wilson,
J. Morgan Chinn,	V. Perkins,	R. E. Watkins,
A. S. Denton,	A. B. Pieratt,	R. C. Walker,

Claude Desha,	L. C. Rawlings,	J. D. Wills,
W. C. Holland,	W. H. Ragland,	Jas. H. Williams-52.
J. A. Humphreys,		

Those who voted in the negative were:

J. L. Brown,	J. P. Jeffries,	Michael O'Sullivan,
W. H. Cole,	R. C. Jarnagin,	L. J. Owen,
Reuben Conner,	J. H. Lackey,	Harry C. Pulliam,
John Collins,	D. D. Lykins,	E. H. Read,
J. B. Depp,	Joseph F. Laufer,	G. Weissinger Smith,
M. T. Freeman,	J. M. Lee,	Andrew Sargent,
W. W. Gill,	J. D. Mocquot,	W. T. Sharp,
C. W. Haverly,	Reuben Morris,	O. P. Searcy,
J. S. Hood,	R. C. Myers,	Miles Spurlock,
W. C. G. Hobbs,	Noah Marsee,	Ham. Shehan,
James M. Hall,	F. May,	Frank M. Tracy,
J. H. Hall,	J. H. Minor,	H. S. Vanzant,
John T. Hinton,	Emmett Orr,	C. B. Wheeler,
J. P. Haswell, Jr.,	Chas. F. Ogden,	David Woods-43.
Anderson Hatfield,		

Whereupon the Speaker pro tem declared that the decision of the chair was the decision of the House.

The Speaker then resumed the chair.

A message was received from the Senate announcing that they had adopted:

S. Res. 2. Resolution providing for the appointment of servants to attend Senate Chamber and Hall of the House of Representatives, fixing their duties and providing for their pay.

Ordered that said resolution be referred to the Committee on Legislative Accounts.

Mr. Orr, from the Committee on Revenue and Taxation to which the same had been referred, reported:

H. B. 298. An act to amend an act entitled, "An act relating to Revenue and Taxation," which became a law November 11, 1892.

With the expression of opinion that it should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Orr, from the Committee on Revenue and Taxation, to which the same had been referred, reported bills as follows, viz:

H. B. 321. An act to amend section 4250 of the Kentucky Statutes relating to revenue and taxation.

H. B. 249. An act to amend an act entitled, "An act to fix the lincense on boats and water crafts."

Said bills were read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. Orr, from the Committee on Revenue and Taxation, to which the same had been referred, reported:

H. B. 307: An act to amend sections 4196 and 4198 of article 10, subdivision 1, of chapter 108, and to amend section 4221, of article 10, of subdivision 3, of chapter 108, of the acts of the General Assembly of the Commonwealth of Kentucky, entitled, "Revenue and taxation," approved November 11, 1892.

With the expression of opinion that said bill should not pass.

Pending the reading of said bill the hour of 12 o'clock M. arrived, and the further consideration of same was cut off by the orders of the day.

The House took from the calendar the following bills, viz:

1. H. B. 317. An act providing for the enlargement of the electric plant at the penitentiary at Frankfort, and making appropriation therefor.

2. H. B. 376. An act providing for the enlargement of the present dining-room, kitchen and hospital of the Kentucky penitentiary at Frankfort.
3. H. B. 138. An act to amend section 337, of an act entitled, "An act providing for creation and regulation of private corporations."
4. H. B. 208. An act to amend section 3868, of article 1, of chapter 98, of Kentucky Statutes..
5. H. B. 378. An act to provide for changes in school district boundaries.
6. H. B. 345. An act to amend section 39, of article 5, of an act to provide for an efficient system of common schools throughout the State.
7. H. B. 424. An act to give employees and others, or their representatives, in case of death, injured or killed through the negligence or wrongful act of a person insured against loss by reason of such injury or death, a right of action against the insurer.
8. H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington.
9. H. B. 423. An act to create a lien on railroads in favor of persons having claims for damages for personal injuries or death, caused by negligence of the railroad company, its lessees or employees.

Said bills were severally read the second time.

Ordered that said bills be placed in the orders of the day, except House Bills 317, 376 and 240, which were ordered to be re-committed: The first two to be re-committed to the Committee on Propositions and Grievances, and the third to the Committee on Charitable Institutions.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, viz:

H. B. 125. An act to regulate the analysis of fertilizers within this Commonwealth.

H. B. 170. An act to regulate the pay of laborers in this Commonwealth.

H. B. 103. An act to repeal an act entitled, "An act to exclude Crab Orchard Springs from Crab Orchard."

H. B. 172. An act to fix the condition upon which foreign corporations formed for the purchase of or engaged in the business of buying, gathering or accumulating information or news, or vending, supplying, distributing or publishing the same, may carry on or transact such or any part thereof in this State, and fixing penalties for violation thereof.

H. B. 32. An act to amend an act entitled, "An act to assign cities and towns in this Commonwealth to classes to which they belong."

And found the same correctly enrolled.

Said bills were then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives, in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

The House took from the orders of the day.

H. B. 38. An act to amend section 6 of act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896.

Mr. Humphreys moved an amendment to said bill:

Mr. Desha moved an amendment to said bill.

Mr. Denton moved an amendment to said bill.

The further consideration was cut off by the arrival of the hour of adjournment.

The House took a recess until 3 o'clock P. M.

## AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Speaker Beckham in the Chair.

Mr. Trimble moved that the House proceed to hear reports of bills and resolutions from the Standing Committees in their order.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Tracy and Hobbs were as follows, viz:

## Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	S. Atwood Smith,
Bruce Adkins,	G. W. Hickman,	F. G. Shepherd,
T. H. Armstrong,	John M. Letterle,	J. A. Small,
B. W. Bradburn,	J. R. Mallory,	Miles Spurlock,
A. C. Brown,	J. R. Mount,	Waller Sharp,
George H. Bishop,	W. H. McKee,	G. B. Stout,
A. Bertram,	M. F. North,	B. F. Saunders,
A. H. Charlton,	Chas. Aaron Nelson,	A. J. Thompson,
T. W. Clark,	E. Petty,	South Trimble,
W. H. Cooke,	A. B. Pieratt,	George Traver,
J. C. Cantrill,	L. C. Rawlings,	C. A. Wilson,
J. E. Cahill,	W. H. Ragland,	R. E. Watkins,
J. Morgan Chinn,	R. E. Richardson,	J. D. Wills,
Claude Desha,	J. S. Robey,	Jas. H. Williams—43.
J. A. Humphreys,		

## Those who voted in the negative were:

J. L. Brown,	J. A. Ingram,	Emmett Orr,
W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
Reuben Conner,	R. C. Jarnagin,	Michael O'Sullivan.
W. T. Chilton,	J. H. Lackey,	L. J. Owen,
John Collins,	D. D. Lykins,	W. C. Pike,
J. B. Depp,	Joseph F. Laufer,	E. H. Read.

M. T. Freeman,	J. M. Lee,	G. Weissinger Smith,
W. W. Gill,	J. D. Mocquot,	Andrew Sargent,
W. C. Holland,	Reuben Morris,	W. T. Sharp,
C. W. Haverly,	J. J. Marquette,	O. P. Searcy,
J. S. Hood,	R. C. Myers,	Ham. Shehan,
W. C. G. Hobbs,	Noah Marsee,	Frank M. Tracy,
James M. Hall,	John M. Moore,	H. S. Vanzant,
J. H. Hall,	F. May,	L. E. Weatherford,
John T. Hinton,	J. H. Minor,	C. B. Wheeler,
J. P. Haswell, Jr.,	W. A. Morris,	R. C. Walker,
Anderson Hatfield,	J. Mc. Meloan,	David Woods—51.

Mr. Hobbs moved that the House do now adjourn.

Said motion rejected.

The yeas and nays being demanded thereon by Messrs. Trimble and Traver were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. P. Jeffries,	Chas. F. Ogden,
W. H. Cole,	R. C. Jarnagin,	Michael O'Sullivan,
John Collins,	J. H. Lackey,	L. J. Owen,
J. B. Depp,	D. D. Lykins,	W. C. Pike,
M. T. Freeman,	Joseph F. Laufer,	E. H. Read.
W. W. Gill,	J. M. Lee,	G. Weissinger Smith,
C. W. Haverly,	J. D. Mocquot,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	W. T. Sharp,
W. C. G. Hobbs,	J. J. Marquette,	O. P. Searcy,
James M. Hall,	R. C. Myers,	Ham. Shehan,
J. H. Hall,	Noah Marsee,	Frank M. Tracy,
John T. Hinton,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	C. B. Wheeler,
Anderson Hatfield,	Emmett Orr,	David Woods—43.
J. A. Ingram,		

Those who voted in the negative were:

M. Abele,	J. A. Humphreys,	J. S. Robey,
Bruce Adkins,	W. B. Henderson,	S. Atwood Smith,

T. H. Armstrong,	G. W. Hickman,	F. G. Shepherd,
B. W. Bradburn,	John M. Letterle,	J. A. Small,
A. C. Brown,	J. R. Mallory,	Miles Spurlock,
George H. Bishop,	J. R. Mount,	Waller Sharp,
A. Bertram,	John M. Moore,	G. B. Stout,
Reuben Conner,	W. H. McKee,	B. F. Saunders,
A. H. Charlton,	W. A. Morris,	A. J. Thompson,
T. W. Clark,	J. Mc. Meloan,	South Trimble,
W. T. Chilton,	M. F. North,	George Traver,
W. H. Cooke,	Chas. Aaron Nelson,	L. E. Weatherford,
J. C. Cantrill,	E. Petty,	C. A. Wilson,
J. E. Cahill,	A. B. Pieratt,	R. E. Watkins,
J. Morgan Chinn,	L. C. Rawlings,	R. C. Walker,
Claude Desha,	W. H. Ragland,	J. D. Wills,
W. C. Holland,	R. E. Richardson,	Jas. H. Williams-51.

The House resumed the consideration of the unfinished business in the orders of the day, viz:

H. B. 38. An act to amend section 6, of an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896.

The amendments heretofore proposed to said bill by Mr. Humphreys were rejected.

The amendments heretofore proposed to said bill by Mr. Desha were rejected.

The amendment heretofore proposed to said bill by Mr. Denton was rejected.

Mr. Cantrill moved the previous question.

Said motion was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:



Section 1. That section 6 of an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1896, be amended by adding the following words after the words, "kept in repair," "and said roads shall be free of toll to the traveling public. All toll houses and the land occupied for the use thereof, or owned or held by any turnpike company, which may be acquired under this act, shall pass with the possession and ownership of such road to be held by the fiscal court for the use of such road, and may be leased or rented, and the proceeds thereof shall be applied to the maintenance of the county roads acquired under this act, and said toll houses and lots that may come in their possession, but the parties owning the land from which the toll lot came off of originally shall have the refusal of purchase.

"That in every magisterial district in each county, outside of cities, there shall be elected a supervisor of public roads in and for said magisterial district, and said supervisor shall have control and supervision of all the public roads in such district, and they shall be charged with the duty of keeping in repair all the public roads, making all necessary repairs, each in his magisterial district, and shall have power to contract and employ labor for said repairs in the following manner: When it becomes necessary to repair any public road, said supervisor shall advertise for bids not less than three times during thirty days, nor more than four times during said period, the kind, nature and amount of repair necessary, in some newspaper published in the county where the repairs are to be made, of general circulation, and where there are counties in which there is no newspaper published, then public notices shall be posted in conspicuous places where the repairs are to be made and the work done, and at the court house of said county, and on a day fixed and announced in the advertisements or public notices, open the bids and let the contracts for such repairs or work to the lowest responsible bidder; but no bid shall be considered or accepted by the supervisor unless accompanied by a bond with good security, equal in amount to the value of the

work to be done; Provided, however, That when any repairs becomes necessary and the cost of making said repairs will not exceed fifteen dollars, then said supervisor may do said work or have the same done without advertising for bids on same, but in no case shall he have repairs made where the cost of such repairs shall exceed fifteen dollars without advertising as above directed.

"Immediately upon the passage and approval of this act the county judge of such county shall appoint a supervisor of public roads, one for each of the magisterial districts, outside of cities, who shall hold their respective offices until the general election in 1899, and until their successors are elected and qualified.

"At the general election in 1899 there shall be elected by the qualified voters of each magisterial district, outside of the cities, a supervisor of public roads who shall hold his office until the general election in 1901 and until his successor is elected and qualified.

"At the general election in 1901 there shall be elected by the qualified voters of each magisterial district a supervisor of public roads, and every four years thereafter at the general election; that is, the term of office of said supervisors, beginning with the election of 1901, shall be for four years. No person shall be eligible to the office of supervisor of public roads who is not at least 21 years of age and who has not resided continuously in the magisterial district in which he is to be elected for at least one year prior to his election and each supervisor elected shall execute bond, with good and sufficient surety, in the sum of two hundred and fifty dollars before entering on the duties of the office; said bond shall be conditioned for the faithful discharge of his duties and said supervisor shall take an oath and otherwise qualify before the county judge or some officer authorized to administer an oath, for the faithful discharge of his duty.

"Said supervisors shall receive annually as full compensation for their services the sum of four dollars per mile for each

mile of public roads in their districts, payable quarterly in four equal payments. Said supervisors to be paid out of the funds of the county, as provided for other county officers, and each supervisor shall submit to the fiscal court, at its semi-annual sittings, a full and complete statement of all monies expended on public roads by him in a true and accurate statement of the condition of public roads in his district; and said reports shall be subscribed and sworn to by said supervisors. All monies expended by supervisors under this section shall be paid as follows: The claims shall be presented to and approved by the supervisors and paid by the order of the fiscal court, as other claims against counties are paid;" so that said section when amended, shall read as follows:

"Sec. 6. All turnpike and gravel roads thus constructed shall become public roads and shall be maintained and kept in repair, and said roads shall be free of toll to the traveling public. All toll houses and the land occupied for the use thereof or owned or held by any turnpike company which may be required under this act shall pass with the possession and ownership of such roads to be held by the fiscal court for the use of each road and may be leased or rented and the proceeds thereof shall be applied to the maintenance of the county roads acquired under the act, and said toll houses and lots that may come into the possession, but the parties owning the land from which the toll lot came off of originally, shall have the refusal of purchase.

"That in every magisterial district in each county outside of cities there shall be elected a supervisor of public roads in and for said magisterial districts, and said supervisor shall have control and supervision of all the public roads in such districts, and they shall be charged with the duty of keeping in repair all the public roads, making all necessary repairs, each in his magisterial district, and shall have power to contract and employ labor for said repairs in the following manner: When it becomes necessary to repair any public road said supervisor shall advertise for bids not

less than three times during thirty days nor more than four times during said period, the kind, nature and amount of repairs necessary, in some newspaper, published in the county where the repairs are to be made, of general circulation, and where those counties in which there is no newspaper published, then public notices shall be posted in conspicuous places where the repairs are to be made and the work done, and the court house of said county, and on a day fixed and announced in the advertisements or public notices, open the bids and let the contracts for such repairs or work to the lowest responsible bidder; but no bid shall be considered or accepted by the supervisors unless accompanied by a bond with good security equal in amount to the value of the work to be done: Provided, however, That where any repairs become necessary, and the cost of making said repairs will not exceed fifteen dollars, then said supervisor may do said work or have the same done without advertising for bids on the same; but in no case can he have repairs made where the cost of each repair shall exceed fifteen dollars without advertising as above directed.

"Immediately upon the passage and approval of this act, the county judge of each county shall appoint a supervisor of public roads for each of the magisterial districts outside of the cities who shall hold their respective offices until the general election in 1899 and until their successors are elected and qualified. At the general election in 1899 there shall be elected by the qualified voters of each magisterial district outside of the cities a supervisor of public roads who shall hold his office until the general election in 1901 and until his successor is elected and qualified. At the general election in 1901 there shall be elected by the qualified voters of each magisterial district a supervisor of public roads and every four years thereafter at the general election; that is, the term of office of said supervisors beginning with the election of 1901 shall be for four years. No person shall be eligible to the office of supervisor of public roads who is not at least 21 years of age, and who has not resided continuously in the magisterial district in which he is

elected for at least one year prior to his election; and each supervisor shall execute bond, with good and sufficient surety, in the sum of two hundred and fifty dollars, before entering on the duties of the office; said bond shall be conditioned for the faithful discharge of his duties, and said supervisor shall take an oath and otherwise qualify before the county judge, or some officer authorized to administer an oath, for the faithful discharge of his duty. Said supervisors shall receive annually as full compensation for their services, the sum of four dollars per mile for each mile of public road in their district, payable quarterly in four equal payments. Said supervisors to be paid out of the funds of the county, as provided for other county officers, and each supervisor shall submit to the fiscal court at its semi-annual sitting a full and complete statement of all monies expended on public roads by him in a true and accurate statement of the condition of public roads in his district; and said report shall be subscribed and sworn to by said supervisors. All monies expended by supervisors under this section shall be paid as follows: The claims shall be presented to and approved by the supervisors and paid by the order of the fiscal courts, as other claims against counties are paid.

"That all laws and parts of laws in conflict with this section, as amended, be and they are hereby repealed."

Whereas, In many counties roads have been made free since the convention of the last General Assembly;

Whereas, There is great confusion in the operation of the road law, which it is intended this amendment shall remedy, an emergency is hereby declared, and this act shall take effect from and after its passage and approval.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	A. B. Pieratt,
George H. Bishop,	J. H. Lackey,	L. C. Rawlings,

A. Bertram,	Joseph F. Laufer,	S. Atwood Smith,
A. H. Charlton,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	J. J. Marquette,	J. A. Small,
J. B. Depp,	Noah Marsee,	G. B. Stout,
W. W. Gill,	J. H. Minor,	George Traver,
W. C. Holland,	M. F. North,	C. A. Wilson,
J. A. Humphreys,	W. C. Pike,	R. E. Watkins—27.

Those who voted in the negative were:

Bruce Adkins,	John T. Hinton,	Chas. Aaron Nelson,
T. H. Armstrong,	J. P. Haswell, Jr.,	Michael O'Sullivan,
B. W. Bradburn,	G. W. Hickman,	E. Petty,
J. L. Brown,	Anderson Hatfield,	W. H. Ragland,
W. H. Cole,	J. P. Jeffries,	E. H. Read,
Reuben Conner,	D. D. Lykins,	J. S. Robey,
W. T. Chilton,	John M. Letterle,	Andrew Sargent,
W. H. Cooke,	J. R. Mallory,	O. P. Searcy,
J. E. Cahill,	Reuben Morris,	Miles Spurlock,
John Collins,	J. R. Mount,	Ham. Shehan,
A. S. Denton,	R. C. Myers,	A. J. Thompson,
Claude Desha,	John M. Moore,	H. S. Vanzant,
M. T. Freeman,	W. H. McKee,	C. B. Wheeler,
J. S. Hood,	F. May,	R. C. Walker,
W. C. G. Hobbs,	W. A. Morris,	J. D. Wills,
James M. Hall,	J. Mc. Meloan,	Jas. H. Williams—49.
J. H. Hall,		

So said bill was rejected.

The House took from the orders of the day:

H. B. 239. An act for the benefit of James T. Buford.

Mr. Stout moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.

viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Auditor of Public Accounts be, and he is hereby directed, to issue his warrant on the Treasurer in favor of James T. Buford, for four dollars per day, from the beginning of the present session of the General Assembly until its close, for services in keeping and in caring for the back capitol.

Sec. 2. An emergency exists for the immediate effect of this law, because there is no law allowing pay for such services, and this law shall take effect from its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	L. C. Rawlings,
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	Anderson Hatfield,	R. E. Richardson,
J. L. Brown,	J. P. Jeffries,	E. H. Read,
George H. Bishop,	R. C. Jarnagin,	J. S. Robey,
A. Bertram,	Joseph F. Laufer,	S. Atwood Smith,
W. H. Cole,	John M. Letterle,	F. G. Shepherd,
Reuben Conner,	J. M. Lee,	J. A. Small,
A. H. Charlton,	J. R. Mallory,	Andrew Sargent,
T. W. Clark,	J. D. Mocquot,	O. P. Searcy,
W. T. Chilton,	Reuben Morris,	Miles Spurlock,
W. H. Cooke,	J. R. Mount,	Waller Sharp.
J. C. Cantrill,	J. J. Marquette,	G. B. Stout,
J. E. Cahill,	R. C. Myers,	Ham. Shehan,
J. Morgan Chinn,	Noah Marsee,	B. F. Saunders,
A. S. Denton,	F. May,	A. J. Thompson,
Claude Desha,	J. H. Minor,	South Trimble,
J. B. Depp,	W. A. Morris,	George Traver,
M. T. Freeman,	M. F. North,	H. S. Vanzant,

W. C. Holland,	Chas. Aaron Nelson,	C. A. Wilson,
C. W. Haverly,	Emmett Orr,	C. B. Wheeler,
J. S. Hood,	Chas. F. Ogden,	R. E. Watkins,
J. A. Humphreys,	L. J. Owen,	R. C. Walker,
J. H. Hall,	Harry C. Pulliam,	David Woods,
John T. Hinton,	E. Petty,	Jas. H. Williams-77.
J. P. Haswell, Jr.,	A. B. Pieratt,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 117. An act to regulate the sale and manufacture of drugs, food and drink and beverages in this State.

Mr. Chinn moved to recommit said bill to the Committee on Judiciary..

Said motion was adopted.

The House took from the orders of the day:

H. B. 137. An act prohibiting ball playing on the Sabbath day, and providing a punishment therefor.

Mr. Henderson moved an amendment to said bill.

Said amendment was rejected.

Mr. Cooke moved an amendment to said bill.

Said amendment was rejected.

Mr. Vanzant moved an amendment to said bill.

Said amendment was rejected.

Mr. Thompson moved an amendment to said bill.

Said amendment was rejected.

Mr. Traver moved an amendment to said bill.

Said amendment was rejected.

Mr. Walker moved an amendment to said bill.

Said amendment was rejected.



Mr. Owen moved an amendment to said bill.

Said amendment was rejected.

Mr. Saunders moved an amendment to said bill.

Said amendment was adopted.

Mr. Pieratt moved an amendment to said bill.

Said amendment was rejected.

Mr. Trimble moved the previous question.

Said motion was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it shall be unlawful for any persons, "teams" or "leagues" to engage in the games known as baseball, foot ball or town ball, or to assemble together for the purpose of practicing any of said games on Sunday.

Sec. 2. That any person found guilty of violating section 1 of this law, upon conviction therefor before a court of competent jurisdiction, shall be fined in a sum of not less than twenty-five nor more than one hundred dollars for each offense; Provided, That this law does not apply to cities of the first and second class.

Sec. 3. Owing to the fact that many persons are constantly making a practice of desecrating the Lord's day by ball playing, an emergency is hereby declared to exist, and this act shall take effect immediately from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,  
J. L. Brown,

Anderson Hatfield,  
J. P. Jeffries,

W. C. Pike,  
L. C. Rawlings,

A. Bertram,	J. H. Lackey,	W. H. Ragland,
W. H. Cole,	D. D. Lykins,	E. H. Read,
Reuben Conner,	J. R. Mallory,	J. S. Robey,
J. B. Depp,	Reuben Morris,	G. Weissinger Smith,
M. T. Freeman,	J. R. Mount,	W. T. Sharp,
W. W. Gill,	J. J. Marquette,	O. P. Searcy,
W. C. Holland,	R. C. Myers,	Miles Spurlock,
J. S. Hood,	Noah Marsee,	Ham. Shehan,
W. C. G. Hobbs,	John M. Moore,	B. F. Saunders,
James M. Hall,	J. H. Minor,	George Traver,
J. H. Hall,	W. A. Morris,	C. B. Wheeler,
John T. Hinton,	J. Mc. Meloan,	R. E. Watkins,
J. P. Haswell, Jr.,	M. F. North,	R. C. Walker,
W. B. Henderson,	Chas. Aaron Nelson,	David Woods,
G. W. Hickman,	E. Petty,	Jas. H. Williams-51.

Those who voted in the negative were:

M. Abele,	A. S. Denton,	L. J. Owen,
T. H. Armstrong,	Claude Desha,	A. B. Pieratt,
B. W. Bradburn,	C. W. Haverly,	R. E. Richardson,
George H. Bishop,	J. A. Humphreys,	F. G. Shepherd,
A. H. Charlton,	John M. Letterle,	J. A. Small,
T. W. Clark,	J. M. Lee,	Waller Sharp,
W. T. Chilton,	J. D. Mocquot,	G. B. Stout,
W. H. Cooke,	W. H. McKee,	A. J. Thompson,
J. C. Cantrill,	F. May,	South Trimble,
J. E. Cahill,	Emmett Orr,	H. S. Vanzant,
J. Morgan Chinn,	Chas. F. Ogden,	C. A. Wilson-35.
John Collins,	Michael O'Sullivan,	

So said bill was rejected.

And then the House adjourned.

SATURDAY, FEBRUARY 26, 1898.

The House was opened with prayer by Rev. M. B. Adams, of the Baptist church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Trimble moved the adoption of the following resolution, viz:

Be it Resolved, That Senate bill 145, entitled, "An act to further regulate elections," be and the same is hereby called from the hands of the Committee on Kentucky Statutes, and that same stand for immediate consideration and be put upon its passage.

Said resolution was adopted.

The yeas and nays being demanded thereon by Messrs. Trimble and Chinn, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	R. E. Richardson,
Bruce Adkins,	John M. Letterle,	J. S. Robey,
T. H. Armstrong,	J. M. Lee,	S. Atwood Smith,
B. W. Bradburn,	J. R. Mallory,	F. G. Shepherd,
A. C. Brown,	J. R. Mount,	J. A. Small,
George H. Bishop,	J. J. Marquette,	Miles Spurlock,
A. Bertram,	W. J. Mears,	Waller Sharp,
A. H. Charlton,	John M. Moore,	G. B. Stout,
T. W. Clark,	W. H. McKee,	B. F. Saunders,
W. T. Chilton,	W. A. Morris,	A. J. Thompson,
W. H. Cooke,	J. Mc. Meloan,	South Trimble,
J. C. Cantrill,	M. F. North,	George Traver,
J. E. Cahill,	Chas. Aaron Nelson,	L. E. Weatherford,
J. Morgan Chinn,	Harry C. Pulliam,	C. A. Wilson,

A. S. Denton,	E. Petty,	R. C. Walker,
Claude Desha,	V. Perkins,	J. D. Wills,
W. C. Holland,	A. B. Pieratt,	Jas. H. Williams,
J. A. Humphreys,	L. C. Rawlings,	Sp'kr Beckham-56.
W. B. Henderson,	W. H. Ragland,	

Those who voted in the negative were:

J. L. Brown,	Anderson Hatfield,	Chas. F. Ogden,
W. H. Cole,	J. A. Ingram,	Michael O'Sullivan,
Reuben Conner,	J. P. Jeffries,	L. J. Owen,
John Collins,	R. C. Jarnagin,	W. C. Pike,
J. B. Depp,	J. H. Lackey,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	G. Weissinger Smith,
W. W. Gill,	Joseph F. Laufer,	Andrew Sargent,
C. W. Haverly,	J. D. Mocquot,	W. T. Sharp,
J. S. Hood,	Reuben Morris,	O. P. Searcy,
W. C. G. Hobbs,	R. C. Myers,	Ham. Shehan,
James M. Hall,	Noah Marsee,	Frank M. Tracy,
J. H. Hall,	F. May,	H. S. Vanzant,
John T. Hinton,	J. H. Minor,	C. B. Wheeler,
J. P. Haswell, Jr.,	Emmett Orr,	David Woods-42.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which same had been recommitted, reported:

S. B. 145. An act to further regulate elections.

Pending the consideration of said bill the hour of 12 o'clock m. having arrived, Mr. Chinn moved to postpone the orders of the day until the matter under consideration was disposed of.

Said motion was adopted.

Mr. Cooke moved that the session be extended until the bill under consideration is disposed of.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Meyers and Jarnigan, were as follows, viz:

## Those who voted in the affirmative were:

M. Abele,	John M. Letterle,	R. E. Richardson,
Bruce Adkins,	J. M. Lee,	J. S. Robey,
T. H. Armstrong,	J. R. Mallory,	S. Atwood Smith,
B. W. Bradburn,	J. R. Mount,	F. G. Shepherd.
A. C. Brown,	J. J. Marquette,	J. A. Small,
George H. Bishop,	W. J. Mears,	O. P. Searcy,
A. Bertram,	John M. Moore,	Miles Spurlock,
A. H. Charlton,	W. H. McKee,	Waller Sharp,
T. W. Clark,	W. A. Morris,	G. B. Stout,
W. T. Chilton,	J. Mc. Meloan,	B. F. Saunders,
W. H. Cooke,	M. F. North,	A. J. Thompson,
J. C. Cantrill,	Chas. Aaron Nelson,	South Trimble,
J. E. Cahill,	Michael O'Sullivan,	George Traver,'
J. Morgan Chinn,	Harry C. Pulliam,	L. E. Weatherford,
A. S. Denton,	E. Petty,	C. A. Wilson,
Claude Desha,	V. Perkins,	R. E. Watkins,
W. C. Holland,	A. B. Pieratt,	R. C. Walker,
J. A. Humphreys,	L. C. Rawlings,	J. D. Wills,
W. B. Henderson,	W. H. Ragland,	Jas. H. Williams-58.
G. W. Hickman,		

## Those who voted in the negative were:

J. L. Brown,	J. P. Haswell, Jr.	J. H. Minor,
W. H. Cole,	Anderson Hatfield,	Emmett Orr,
Reuben Conner,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	L. J. Owen,
J. B. Depp,	R. C. Jarnagin,	W. C. Pike,
M. T. Freeman,	J. H. Lackey,	E. H. Read,
W. W. Gill,	D. D. Lykins,	G. Weissinger Smith,
C. W. Haverly,	Joseph F. Laufer,	Andrew Sargent,
J. S. Hood,	J. D. Mocquot,	W. T. Sharp,
W. C. G. Hobbs,	Reuben Morris,	Frank M. Tracy,
James M. Hall,	R. C. Myers,	H. S. Vanzant,

J. H. Hall,	Noah Marsee,	C. B. Wheeler,
John T. Hinton,	F. May,	David Woods—39.

Mr. Cooke moved to reconsider the vote by which said motion was adopted, and to lay that motion on the table.

Said last named motion was adopted.

Mr. Orr moved to amend said bill as follows, viz:

Amend by striking out in section first and third line the word "three" and in lieu therefor insert the word "two," and after the word commissioners add, "who together with the Governor," so that it may read "elect two commissioners who together the Governor shall be styled."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Hobbs and Vanzant were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. P. Jeffries,	Michael O'Sullivan,
W. H. Cole,	R. C. Jarnagin,	L. J. Owen,
Reuben Conner,	D. D. Lykins,	W. C. Pike,
John Collins,	Joseph F. Laufer,	E. H. Read,
J. B. Depp,	J. M. Lee,	G. WeissingerSmith,
M. T. Freeman,	J. D. Mocquot,	Andrew Sargent,
C. W. Haverly,	Reuben Morris,	W. T. Sharp,
J. S. Hood,	R. C. Myers,	O. P. Searcy,
W. C. G. Hobbs,	Noah Marsee,	Ham. Shehan,
James M. Hall,	F. May,	Frank M. Tracy,
J. H. Hall,	J. H. Minor,	H. S. Vanzant,
John T. Hinton,	W. A. Morris,	C. B. Wheeler,
J. P. Haswell, Jr.,	Chas. F. Ogden,	David Woods—41.
Anderson Hatfield,	Emmett Orr,	

Those who voted in the negative were:

M. Abele,	J. H. Lackey,	J. S. Robey,
Bruce Adkins,	John M. Letterle,	S. Atwood Smith,

T. H. Armstrong,	J. R. Mallory,	F. G. Shepherd,
B. W. Bradburn,	J. R. Mount,	J. A. Small,
A. C. Brown,	J. J. Marquette,	Miles Spurlock,
George H. Bishop,	W. J. Mears,	Waller Sharp,
A. Bertram,	John M. Moore,	G. B. Stout,
A. H. Charlton,	W. H. McKee,	B. F. Saunders,
T. W. Clark,	J. Mc. Meloan,	A. J. Thompson,
W. T. Chilton,	M. F. North,	South Trimble,
W. H. Cooke,	Chas. Aaron Nelson,	George Traver,
J. C. Cantrill,	Harry C. Pulliam,	L. E. Weatherford,
J. E. Cahill,	E. Petty,	C. A. Wilson,
J. Morgan Chinn,	V. Perkins,	R. E. Watkins,
A. S. Denton,	A. B. Pieratt,	R. C. Walker,
Claude Desha,	L. C. Rawlings,	J. D. Wills,
J. A. Humphreys,	W. H. Ragland,	Jas. H. Williams.
W. B. Henderson,	R. E. Richardson,	Sp'kr Beckham-55.
G. W. Hickman,		

Mr. Orr moved to amend said bill as follows, viz:

In section 2 and at the end of the third line after the word "Commonwealth" add the words "one of whom shall be the county judge."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Jarnigan and Hobbs were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. P. Jeffries,	Chas. F. Ogden,
W. H. Cole,	R. C. Jarnagin,	Michael O'Sullivan,
John Collins,	J. H. Lackey,	L. J. Owen,
J. B. Depp,	D. D. Lykins,	W. C. Pike,
M. T. Freeman,	Joseph F. Laufer,	E. H. Read,
W. W. Gill,	J. M. Lee,	G. Weissinger Smith.
C. W. Haverly,	J. D. Mocquot,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	W. T. Sharp,

W. C. G. Hobbs,	R. C. Myers,	O. P. Searcy,
James M. Hall,	Noah Marsee,	Ham. Shehan,
J. H. Hall,	F. May,	Frank M. Tracy,
John T. Hinton,	J. H. Minor,	H. S. Vanzant,
J. P. Haswell, Jr.,	W. A. Morris,	C. B. Wheeler,
Anderson Hatfield,	Emmett Orr;	David Woods—43.
J. A. Ingram,		

Those who voted in the negative were:

M. Abele,	G. W. Hickman,	J. S. Robey,
Bruce Adkins,	John M. Letterle,	S. Atwood Smith,
T. H. Armstrong,	J. R. Mallory,	F. G. Shepherd,
B. W. Bradburn,	J. R. Mount,	J. A. Small,
A. C. Brown,	J. J. Marquette,	Miles Spurlock,
George H. Bishop,	W. J. Mears,	Waller Sharp,
A. Bertram,	John M. Moore,	G. B. Stout,
A. H. Charlton,	W. H. McKee,	B. F. Saunders,
T. W. Clark,	J. Mc. Meloan,	A. J. Thompson,
W. T. Chilton,	M. F. North,	South Trimble,
W. H. Cooke,	Chas. Aaron Nelson,	George Traver,
J. C. Cantrill,	Harry C. Pulliam,	L. E. Weatherford,
J. E. Cahill,	E. Petty,	C. A. Wilson,
J. Morgan Chinn,	V. Perkins,	R. E. Watkins,
A. S. Denton,	A. B. Pieratt,	R. C. Walker,
Claude Desha,	L. C. Rawlings,	J. D. Wills,
J. A. Humphreys,	W. H. Ragland,	Jas. H. Williams
W. B. Henderson,	R. E. Richardson,	Sp'kr Beckham—54.

Mr. Orr moved to amend said bill as follows, viz:

Amend first section by striking out the words in the fourteenth line "said board shall elect" and insert in lieu thereof the words, "the Governor shall designate."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Mocquot and Vanzant were as follows, viz:



## Those who voted in the affirmative were:

J. L. Brown,	J. A. Ingram,	W. A. Morris,
W. H. Cole,	J. P. Jeffries,	Emmett Orr,
Reuben Conner,	R. C. Jarnagin.	Chas. F. Ogden,
John Collins,	J. H. Lackey,	W. C. Pike,
J. B. Depp,	D. D. Lykins,	E. H. Read,
M. T. Freeman,	Joseph F. Laufer,	G. Weissinger Smith,
C. W. Haverly,	J. M. Lee, ,	Andrew Sargent,
J. S. Hood,	J. D. Mocquot,	W. T. Sharp,
W. C. G. Hobbs,	Reuben Morris,	O. P. Searcy,
James M. Hall,	R. C. Myers,	Frank M. Tracy,
J. H. Hall,	Noah Marsee,	H. S. Vanzant,
John T. Hinton,	F. May,	C. B. Wheeler,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods—40.
Anderson Hatfield,		

## Those who voted in the negative were:

M. Abele,	G. W. Hickman,	J. S. Robey,
Bruce Adkins,	John M. Letterle,	Atwood S. Smith,
T. H. Armstrong,	J. R. Mallory,	F. G. Shepherd,
B. W. Bradburn,	J. R. Mount,	J. A. Small,
A. C. Brown,	J. J. Marquette,	Miles Spurlock,
George H. Bishop,	W. J. Mears,	Waller Sharp,
A. Bertram,	John M. Moore,	G. B. Stout,
A. H. Charlton	W. H. McKee,	B. F. Saunders,
T. W. Clark,	J. McMeloan,	A. J. Thompson,
W. T. Chilton,	M. F. North,	South Trimble,
W. H. Cooke,	Chas. Aaron Nelson,	George Traver,
J. C. Cantrill,	Harry C. Pulliam,	L. E. Weatherford,
J. E. Cahill,	E. Petty,	C. A. Wilson,
J. Morgan Chinn,	V. Perkins,	R. E. Watkins,
A. S. Denton,	A. B. Pieratt,	R. C. Walker,
Claude Desha,	L. C. Rawlings,	J. D. Wills,
W. C. Holland,	W. H. Ragland,	Jas. H. Williams,
J. A. Humphreys,	R. E. Richardson,	Sp'kr. Beckham—55.
W. B. Henderson,		

Mr. Orr moved to amend said bill as follows, viz:

Amend first section by striking out all of line twenty-nine after the words "appointment by," and all of line thirty to the word "resignations" and insert in lieu thereof the words "of the Governor."

Said amendment was rejected.

Mr. Orr moved to amend said bill as follows, viz:

Amend section 5 by adding to the first line the words "with the county judge and sheriff of the county."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs Orr and Mocquot were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. A. Ingram,	Emmett Orr,
W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
Reuben Conner,	R. C. Jarnagin.	Michael O'Sullivan,
John Collins,	J. H. Lackey,	L. J. Owen,
J. B. Depp,	D. D. Lykins,	W. C. Pike,
M. T. Freeman,	Joseph F. Laufer,	E. H. Read,
W. W. Gill,	J. M. Lee,	G. Weissinger Smith.
C. W. Haverly,	J. D. Mocquot,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	W. T. Sharp,
W. C. G. Hobbs,	R. C. Myers,	O. P. Searcy,
James M. Hall,	Noah Marsee,	Frank M. Tracy,
J. H. Hall,	F. May,	H. S. Vanzant,
John T. Hinton,	J. H. Minor,	C. B. Wheeler,
J. P. Haswell, Jr.,	W. A. Morris,	David Woods—43.
Anderson Hatfield,		

Those who voted in the negative were:

M. Abele,	G. W. Hickman,	J. S. Robey,
Bruce Adkins,	John M. Letterle,	S. Atwood Smith,

T. H. Armstrong,	J. R. Mallory,	F. G. Shepherd,
B. W. Bradburn,	J. R. Mount,	J. A. Small,
A. C. Brown,	J. J. Marquette,	Miles Spurlock,
George H. Bishop,	W. J. Mears,	Waller Sharp,
A. Bertram,	John M. Moore,	G. B. Stout,
A. H. Charlton,	W. H. McKee,	B. F. Saunders,
T. W. Clark,	J. Mc. Meloan,	A. J. Thompson,
W. T. Chilton,	M. F. North,	South Trimble,
W. H. Cooke,	Chas. Aaron Nelson,	George Traver,
J. C. Cantrill,	Harry C. Pulliam,	L. E. Weatherford,
J. E. Cahill,	E. Petty,	C. A. Wilson,
J. Morgan Chinn,	V. Perkins,	R. E. Watkins,
A. S. Denton,	A. B. Pieratt,	R. C. Walker,
Claude Desha,	L. C. Rawlings,	J. D. Wills,
W. C. Holland,	W. H. Ragland,	Jas. H. Williams,
J. A. Humphreys,	R. E. Richardson,	Spk'r Beckham-55.
W. B. Henderson,		

Mr. Orr moved to amend said bill as follows, viz:

Amend line three of section 1 by striking out the word "elect" and inserting in its place the words "provide for the election next November election and every four years thereafter by the qualified voters of the State of."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Mocquot and Vanzant, were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. A. Ingram,	Enmett Orr,
W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
Reuben Conner,	R. C. Jarnagin,	Michael O'Sullivan,
John Collins,	J. H. Lackey,	L. J. Owen,
J. B. Depp,	D. D. Lykins,	W. C. Pike,
M. T. Freeman,	Joseph F. Laufer,	E. H. Read,
C. W. Haverly,	J. M. Lee,	G. Weissinger Smith,

J. S. Hood,	J. D. Mocquot,	Andrew Sargent,
W. C. G. Hobbs,	Reuben Morris,	W. T. Sharp,
James M. Hall,	R. C. Meyers,	O. P. Searcy,
J. H. Hall,	Noah Marsee,	Frank M. Tracy,
John T. Hinton,	F. May,	H. S. Vanzant,
J. P. Hawell, Jr.,	J. H. Minor,	C. B. Wheeler,
Anderson Hatfield,	W. A. Morris,	David Woods—42.

Those who voted in the negative were:

M. Abele,	G. W. Hickman,	J. S. Robey,
Bruce Adkins,	John M. Letterle,	S. Atwood Smith,
T. H. Armstrong,	J. R. Mallory,	F. G. Shepherd,
B. W. Bradburn,	J. R. Mount,	J. A. Small,
A. C. Brown,	J. J. Marquette,	Miles Spurlock,
George H. Bishop,	W. J. Mears,	Waller Sharp,
A. Bertram,	John M. Moore,	G. B. Stout,
A. H. Charlton,	W. H. McKee,	B. F. Saunders,
T. W. Clark,	J. Mc. Meloan,	A. J. Thompson,
W. T. Chilton,	M. F. North,	South Trimble,
W. H. Cooke,	Chas. Aaron Nelson,	George Traver,
J. C. Cantrill,	Harry C. Pulliam,	L. E. Weatherford,
J. E. Cahill,	E. Petty,	C. A. Wilson,
J. Morgan Chinn,	V. Perkins,	R. E. Watkins,
A. S. Denton,	A. B. Pieratt,	R. C. Walker,
Claude Desha,	L. C. Rawlings,	J. D. Wills,
W. C. Holland,	W. H. Ragland,	Jas. H. Williams,
J. A. Humphreys,	R. E. Richardson,	Sp'kr Beckham—55.
W. B. Henderson,		

Mr. Orr moved to amend said bill as follows, viz:

Further amend said first section by striking out all after the word "old" in the seventh line, all of the eighth line, and the first two words in the ninth line.

Said amendment was rejected.

The yeas and nays being demanded by Messrs. Mocquot and Vanzant, were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	J. A. Ingram,	W. A. Morris,
W. H. Cole,	J. P. Jeffries,	Emmett Orr,
Reuben Conner,	R. C. Jarnagin,	Chas. F. Ogden,
John Collins,	J. H. Lackey,	W. C. Pike,
J. B. Depp,	D. D. Lykins,	E. H. Read,
M. T. Freeman,	Joseph F. Laufer,	G. Weissinger Smith,
C. W. Haverly,	J. M. Lee,	Andrew Sargent,
J. S. Hood,	J. D. Mocquot,	W. T. Sharp,
W. C. G. Hobbs,	Reuben Morris,	O. P. Searcy,
James M. Hall,	R. C. Myers,	Frank M. Tracy,
J. H. Hall,	Noah Marsee,	H. S. Vanzant,
John T. Hinton,	F. May,	C. B. Wheeler,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods—40.
Anderson Hatfield,		

Those who voted in the negative were:

M. Abele,	W. B. Henderson,	J. S. Robey,
Bruce Adkens,	G. W. Hickman,	S. Atwood Smith,
T. H. Armstrong,	John M. Letterle,	F. G. Shepherd,
B. W. Bradburn,	J. R. Mallory,	J. A. Small,
A. C. Brown,	J. R. Mount,	Miles Spurlock,
George H. Bishop,	J. J. Marquette,	Waller Sharp,
A. Bertram,	W. J. Mears,	G. B. Stout,
A. H. Charlton,	John M. Moore,	B. F. Saunders,
T. W. Clark,	W. H. McKee,	A. J. Thompson,
W. T. Chilton,	J. Mc. Meloan,	South Trimble,
W. H. Cooke,	M. F. North,	George Traver,
J. C. Cantrill,	Chas. Aaron Nelson,	L. E. Weatherford,
J. E. Cahill,	E. Petty,	C. A. Wilson,
J. Morgan Chinn,	V. Perkins,	R. E. Watkins,
A. S. Denton,	A. B. Pieratt,	R. C. Walker,

Claude Desha,	L. C. Rawlings,	J. D. Wills,
W. C. Holland,	W. H. Ragland,	Jas. H. Williams,
J. A. Humphreys,	R. E. Richardson,	Sp'kr Beckham-54.

Mr. Orr moved to amend said bill as follows, viz:

Amend section 5 by striking out the last word in line three and the first four words in line four, and inserting in lieu thereof the words, "a majority."

Said amendment was rejected.

Mr. Orr moved to amend said bill as follows:

Amend section 5 by striking out all after the word "case" in line six and all of lines seven, eight and nine.

Said amendment was rejected.

Mr. Orr moved to amend said bill as follows, viz:

Amend section 5 by adding thereto the words "any officer named in this bill who shall directly or indirectly deprive a citizen of his right to vote and have his vote fairly counted for the candidate of his choice, shall be guilty of a felony, and upon conviction be confined in the penitentiary for a term not exceeding five years."

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Section 1. The General Assembly shall at its present session elect three commissioners, who shall be styled "The State Board of Election Commissioners." They shall hold office for a term of four years and until their successors are elected and qualified; they shall be citizens and electors of Kentucky and not less than 25 years old; in the year 1902 and every fourth year thereafter the General Assembly shall elect such commissioners. Said commissioners shall qualify by tak-

ing before the clerk of the Court of Appeals an oath faithfully to perform their duties according to law; of such qualifications said clerk shall make a certificate, which shall be noted upon the record of the proceedings of said board and preserved among the records. Said board shall elect one of its members chairman who shall preside at its meetings; it shall appoint a secretary, who shall hold office during the pleasure of the board. The board shall prescribe the duties of the secretary, and fix his compensation, which shall not exceed two hundred and fifty dollars per annum. The board shall keep a record of its acts, orders, findings, judgments, and all of its proceedings. A majority of said board shall constitute a quorum for transaction of all business of the board, and a majority of said board may make any order, finding, judgment, or do any act or thing that the board is authorized or empowered to make or do. If a vacancy occur in said board whilst the General Assembly is in session, said vacancy shall be filled by election by the General Assembly. If a vacancy or vacancies occur in said board whilst the General Assembly is in vacation the same shall be filled by appointment by the remaining member or members of said board. Resignations from said board shall be in writing, directed to the board and filed among the records thereof.

Sec. 2. Said State Board of Election Commissioners shall annually, not later than the month of July, appoint three election commissioners for each county in this Commonwealth, who shall be styled the "County Board of Election Commissioners." Such county election commissioners shall be citizens and electors of the county for which they are appointed, and shall be not less than 25 years old. Before entering upon the duties of their office, they shall qualify by taking, before some officer authorized by law to administer oaths, an oath faithfully to discharge their duties as such commissioners according to law. The officer administering such oath shall make a certificate thereof, which shall be filed in the office of the county court clerk of the county. Said board shall elect one of its mem-

bers chairman, who shall preside at its meetings. A majority of such board shall constitute a quorum for the transaction of all business of the board, for the doing of any act or thing that the board may do, and the making of any order, finding or judgment of the board. Any member of such county board may be, at any time, removed from office by the State Board of Election Commissioners. All vacancies in such county boards shall be filled by said State board, but until such vacancy or vacancies be filled by appointment by said State board, any vacancy or vacancies in any such county board may be temporarily filled by appointment by the remaining members or member of such county board. Said county board shall keep a record of its proceedings, which shall be a public record, and be kept in the office of the county court clerk.

Sec. 3. Said county board shall, annually not later than the month of September, appoint for each election precinct in the county, two judges, one clerk and one sheriff of election, to act as such in their precinct, all of whom shall be discreet, qualified voters of the precinct for which they are appointed, and shall hold their offices until their successors are appointed and qualified; and so long as there are two distinct political parties in this Commonwealth, the judges, clerk and sheriff of election, in all elections by the people under the Constitution and laws of the United States, and under the Constitution and laws of this Commonwealth, shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party and the other judge of a different political party; and there shall be the like difference at each voting place between the sheriff and clerk of election; Provided, That there be a sufficient number of qualified persons of each political party resident in the precinct with which to fill said offices. No person shall be eligible as an officer of election who has not been a resident householder in the precinct for which he is appointed for not less than one year next preceding his appointment, or who has anything of value bet or wagered on the result of such election, or who is a candidate to be voted



for at such election, or who is not capable of reading the Constitution of the Commonwealth in English, and of writing a plain legible hand. It shall be the duty of said county board of election commissioners to test all such election officers as to their qualifications before appointment. If at any time before an election it shall be made to appear to the county board of election commissioners, by the affidavit of two or more qualified voters of the precinct, or other evidence, that any election officer is disqualified under the provisions of this act then said county board shall investigate said matter and determine whether such officer is disqualified, and if he be found disqualified such officer shall be removed from office and a qualified person of the same political party as the officer removed shall thereupon be appointed in his stead. Said county board of election commissioners may, at any time, remove from office any election officer, and fill the vacancy thus occasioned. And said county board may, at any time, fill any vacancy in the office of election officer.

The county board of election commissioners shall give due notice of said appointment of election officers to the sheriff of the county who shall at least ten days before the next ensuing election give each judge, clerk and sheriff written notice of his appointment.

Sec. 4. Should the county board of election commissioners fail to appoint such officers of election, or either of said officers fail to attend for thirty minutes after the time for commencing the election, or refuse to act, the officers in attendance shall appoint a suitable person or persons to act in his or their stead for that election. If none of said officers shall appear as herein required, the qualified voters present shall elect the officers of election viva voce, as nearly as possible in conformity with the provisions of this act, who shall serve as such officers. Each officer of election shall, before entering upon the duties of his office, take an oath faithfully to discharge his duties as such officer before some person authorized to administer an oath, or if no such officer

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be present it may be administered by the clerk of the election, who in turn shall be sworn by one of the judges of election.

Sec. 5. Said county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county, and awarding and issuing certificates of election. Any two of the members of said board may constitute the board, but if either be a candidate, he shall have no voice in the decision of his own case. If from any cause two of the members of the board can not act in whole or in part, in examining and canvassing the returns, their places shall be supplied as in case of vacancies in such board.

Within two days next after an election the sheriff shall deposit with the clerk of the county court the returns from the different precincts. On the next day the said county board of election commissioners shall meet in the clerk's office, between 10 and 12 o'clock in the morning, open and canvass the returns of such election, and give triplicate or more written certificates of election over their signature of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county; one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the Secretary of State at the seat of government. For offices not within such gift they shall give duplicate or more written certificates over their signatures of the number of votes given in the county, city, town, district or precinct, particularizing therein the precinct at which the votes were given, one copy to be retained in the clerk's office, one delivered to the sheriff, and one, in case of municipal or district election, to the common council of said municipality or governing authority of such district. The poll books shall thereafter remain in the clerk's office as part of its records. So, also, shall the certificates of any precinct judges which may have been used in the absence of the poll book of that precinct.

Sec. 6. Where two or more counties vote together in the choice of a Representative or Senator the canvassing boards of

election of the respective counties shall make duplicate written certificates over their signatures of the number of votes given in the counties for such Representative or Senator, one copy to be retained in the clerk's office of such county and the other to be sent immediately by mail by said board to the canvassing board of the county in such district having the largest population, which last named board shall, between 10 and 12 o'clock in the morning of the second Monday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election in writing over their signatures of the persons who appear to have received the largest number of votes, one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the Secretary of State at the seat of government.

Sec. 7. The certificate of election of a county officer shall be in substance in the following form:

Commonwealth of Kentucky, Sct. We, A, B, and C, duly authorized to canvass the returns of the county of—, do certify, that at an election held in said county, on the— day of — E. F. was duly elected to fill the office of—.

The certificate of election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

Sec. 8. After an election for Governor, Lieutenant-Governor or other office elective by the votes of the whole State, or more than one county, or for a judge of the Court of Appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representative in the Congress, or electors of President or Vice-President, or for or upon questions or Constitutional amendments submitted to a vote of the people, it shall be the duty of the board of canvassers of returns for each county immediately after the examination of such returns, to make out two or more certificates in writing over their signatures, of the number of votes

given in the county for each of the candidates for any of said offices, and the number of votes for or against such questions or Constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send, by the next mail, under cover, to the Secretary of State at the seat of government.

Sec. 9. Said State Board of Election Commissioners, and in the absence of either, the other two, shall be a board for examining and canvassing the returns of election for any of the offices named in the last section of this act.

First. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the office of the Secretary of State, from the returns made, duplicate certificates, in writing over their signatures of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

Second. In the case of the election of a Representative in the Congress, there shall be three certificates, one to be retained in the office, another sent by mail to the clerk of the House of Representatives, at the seat of the Federal Government.

Third. It shall be the duty of the Secretary of State, immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate, to be published in two newspapers.

Fourth. If two or more persons shall be found to have received the highest and an equal number of votes for the same office, so that the election can not be determined among the candidates by a plurality of the votes, it shall be determined by lot, in such manner as the board may direct, and in the presence of not less than three other persons.

Fifth. If one or more of the persons voted for as electors of President is elected, then he or they, when convened to vote

for President, shall determine which of the candidates having an equal number of votes shall be deemed to be elected without casting any lot therefor. But if none is elected, then the board shall determine the election by lot between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates so that the whole vote of the State may be given to the same person.

Sec. 10. Where the canvassing board of two or more counties on comparison of the returns, or the board of canvassers for a county, find that two or more have received the highest and equal number of votes for the same office, they shall by lot determine which of the candidates is elected.

Sec. 11. Said State Board of Election Commissioners, or any two of them, shall be a board for determining the contested election of any officer other than Governor or Lieutenant-Governor, elective by the voters of the whole State, or of a judge or clerk of the Court of Appeals, circuit judge or Commonwealth's attorney.

First. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election, and give true judgment thereon according to the evidence.

Second. A majority of the board shall be necessary to a decision which shall be in writing, and signed in duplicate by the members concurring therein, one copy to be retained in the office of the Secretary of State, and the other delivered to the successful party, or sent to him by mail.

Third. The board shall have power to send for persons, papers and records, to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or secretary, and issue commissions for taking proof.

Fourth. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the

direction of the board where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered to fill the vacancy; Provided, The first two years of his term shall not have expired. Where another than the person returned shall be found to have received the highest number of legal votes cast, such other shall be adjudged to be the person elected and entitled to the office. The decision of the board shall be final and conclusive.

Fifth. The Governor shall immediately after such decision issue the proper commission, or order a new election, as the case may require.

Sec. 12. The county board of election commissioners, or any two of them, shall be a board in each county with like powers as those mentioned in the next preceding section; for determining the contested election of any officer elective by the voters of the county, or any district therein, excepting members of the General Assembly, and also of any police judge, clerk, marshal, or other elective municipal officer, where there is no other provision of law for determining the contested election of such municipal officer. The board shall be governed by the rules mentioned in the next preceding section, where the same are applicable to its duties. The decision of the board shall be given in writing, and signed in triplicate, one copy to be entered on the minutes of the board, another delivered to the successful party, and the other, when necessary for obtaining a commission, sent by mail to the Secretary of State.

When the decision so requires, a writ for a new election shall immediately be issued.

Sec. 13. Said State Board of Election Commissioners shall hold its sessions at the seat of government, at Frankfort, where a suitable room for them shall be provided in some of the State buildings. The members of the board shall be paid for all their services under this act five dollars per day while so in session; Provided, That no member of said board shall be paid more than one hundred dollars for his services in any year. Said

board shall provide itself with necessary books, papers, material, and postage to enable it to perform the duties with which it is charged by this act. The chairman of said board shall certify to the Auditor of Public Accounts the money so expended by said board, and the sums that the members of said board and its secretary are entitled to be paid under this act; and thereupon the Auditor shall draw his warrant upon the Treasurer for the sum so certified to the end that the same may be paid out of the treasury.

Sec. 14. The county board of election commissioners shall be paid for all services they may render under this act, two dollars per day while actually in session, but no member of such board shall be paid more than twenty dollars for his services during any year. Said board may provide itself with necessary books and stationery to enable it to perform its duties under this act; the amount of such expenditure and the number of days the members of said board were actually in session shall be certified by the chairman of the board to the fiscal court of the county and paid out of the county funds.

Sec. 15. All acts and parts of acts in conflict with this act are, to the extent of such conflict, repealed.

Sec. 16. Because of the frauds that are now perpetrated in elections in this Commonwealth, there is an emergency that this act take immediate effect, and this act shall take effect upon its approval by the Governor, or its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	R. E. Richardson,
Bruce Adkins,	John M. Letterle,	J. S. Robey,
T. H. Armstrong,	J. M. Lee,	S. Atwood Smith,
B. W. Bradburn,	J. R. Mallory,	F. G. Shepherd,
A. C. Brown,	J. R. Mount,	J. A. Small,

George H. Bishop,	J. J. Marquette,	Miles Spurlock,
A. Bertram,	W. J. Mears,	Waller Sharp,
A. H. Charlton,	John M. Moore,	G. B. Stout,
T. W. Clark,	W. H. McKee,	B. F. Saunders,
W. T. Chilton,	W. A. Morris,	A. J. Thompson,
W. H. Cooke,	J. Mc. Meloan,	South Trimble,
J. C. Cantrill,	M. F. North,	George Traver,
J. E. Cahill,	Chas. Aaron Nelson,	L. E. Weatherford,
J. Morgan Chinn,	Harry C. Pulliam,	C. A. Wilson,
A. S. Denton,	E. Petty,	R. E. Watkins,
Claude Desha,	V. Perkins,	R. C. Walker,
W. C. Holland,	A. B. Pieratt,	J. D. Wills,
J. A. Humphreys,	L. C. Rawlings,	Jas. H. Williams,
W. B. Henderson,	W. H. Ragland,	Sp'kr Beckham—57.

Those who voted in the negative were:

J. L. Brown,	Anderson Hatfield,	Chas. F. Ogden,
W. H. Cole,	J. A. Ingram,	Michael O'Sullivan,
Reuben Conner,	J. P. Jeffries,	L. J. Owen,
John Collins,	R. C. Jarnagin,	W. C. Pike,
J. B. Depp,	J. H. Lackey,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	G. Weissinger Smith,
W. W. Gill,	Joseph F. Laufer,	Andrew Sargent,
C. W. Haverly,	J. D. Mocquot,	W. T. Sharp,
J. S. Hood,	Reuben Morris,	O. P. Searcy,
W. C. G. Hobbs,	R. C. Myers,	Ham. Shehan,
James M. Hall,	Noah Marsee,	Frank M. Tracy,
J. H. Hall,	F. May,	H. S. Vanzant,
John T. Hinton,	J. H. Minor,	C. B. Wheeler,
J. P. Haswell, Jr.,	Emmett Orr,	David Woods—42.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Trimble moved to reconsider the vote by which said bill was passed and moved to lay that motion on the table.

Said last named motion was adopted.

And then the House adjourned.



MONDAY, FEBRUARY 28, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the Chair.

The Journal of Saturday was approved.

Mr. Cooke moved the adoption of the following resolution, viz:

Whereas, There are a great many important bills in the orders of the day that can not be reached owing to the fact that the session is so near a close; be it therefore,

Resolved, That the Committee on Rules shall report a rule providing a method by which important measures may be taken from the orders of the day, or be called from the committee to which they have been referred and put upon their passage without the formality of suspending the rules.

Said resolution was adopted.

Mr. North moved that the rules of the House be suspended in order that the House might take from the orders of the day:

S. B. 54. An act to change the boundaries of the Eighth and Eleventh Congressional Districts of Kentucky.

Said motion was adopted.

The yeas and nays being required thereon by the rules of the House, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
B. W. Bradburn,	G. W. Hickman,	J. S. Robey,
A. C. Brown,	J. H. Lackey,	S. Atwood Smith,
A. Bertram,	Joseph F. Laufer,	F. G. Shepherd,
Reuben Conner,	John M. Letterle,	J. A. Small,

A. H. Charlton,	J. M. Lee,	O. P. Searcy,
W. W. Combs,	J. R. Mallory,	Miles Spurlock,
T. W. Clark,	J. R. Mount,	Waller Sharp,
W. T. Chilton,	J. J. Marquette,	G. B. Stout,
W. H. Cooke,	W. J. Mears,	B. F. Saunders,
J. C. Cantrill,	John M. Moore,	A. J. Thompson,
J. E. Cabill,	W. A. Morris,	Frank M. Tracy,
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
W. W. Gill,	E. Petty,	C. A. Wilson,
W. C. Holland,	W. C. Pike,	R. E. Watkins,
J. A. Humphreys,	V Perkins,	R. C. Walker,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams—58.
John T. Hinton,		

Those who voted in the negative were:

J. L. Brown,	J. P. Haswell, Jr.,	F. May,
W. H. Cole,	Anderson Hatfield,	J. H. Minor,
John Collins,	J. A. Ingram,	Chas. F. Ogden,
M. T. Freeman,	J. P. Jeffries,	E. H. Read.
C. W. Haverly,	R. C. Jarnagin,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	W. T. Sharp,
James M. Hall,	R. C. Myers,	H. S. Vanzant,
J. H. Hall,	Noah Marsee,	David Woods—24.

Said bill was taken from the orders of day, read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the county of Jackson be and the same is hereby taken from the Eighth Congressional District of Kentucky and added to the Eleventh Congressional District, and that the county of Casey be and the same is taken from the Eleventh Congressional District and added to the Eighth Con-

gressional District, so that the said Eighth District shall contain and be composed of the following counties, viz: Anderson, Boyle, Garrard, Jessamine, Lincoln, Madison, Mercer, Rockcastle, Shelby, Spencer and Casey.

That the Eleventh Congressional District shall contain and be composed of the following counties, viz: Adair, Bell, Clay, Clinton, Harlan, Knox, Letcher, Leslie, Laurel, Metcalf, Owsley, Perry, Pulaski, Russell, Wayne, Whitley and Jackson.

Sec. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. That this act shall take effect and be in full force within ninety days after the adjournment of the General Assembly.

The yeas and nays being required thereon by a provision of the Constitution, were as follow, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	R. E. Richardson,
B W Bradburn,	G. W. Hickman,	J. S. Robey,
A. C. Brown,	Joseph F. Laufer,	S. Atwood Smith,
J. L. Brown,	John M. Letterle,	F. G. Shepherd,
A. Bertram,	J. M. Lee,	J. A. Small,
Reuben Conner,	J. R. Mallory,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
W. W. Combs,	J. J. Marquette,	Waller Sharp,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Michael O'Sullivan,	South Trimble,
A. S. Denton,	L. J. Owen,	George Traver,
Claude Desha,	E. Petty,	L. E. Weatherford,
W. C. Holland,	W. C. Pike,	C. A. Wilson,
J. A. Humphreys,	V. Perkins,	R. E. Watkins,

W. C. G. Hobbs,  
John T. Hinton,

A. B. Pieratt,  
L. C. Rawlings,

R. C. Walker,  
J. H. Williams—60.

Those who voted in the negative were:

W. H. Cole,  
John Collins,  
M. T. Freeman,  
C. W. Haverly,  
J. S. Hood,  
James M. Hall,  
J. H. Hall,  
J. P. Haswell, Jr.,

Anderson Hatfield,  
J. A. Ingram,  
J. P. Jefferies,  
R. C. Jarnagin,  
Reuben Morris,  
R. C. Myers,  
Noah Marsee,  
F. May,

J. H. Minor,  
Chas. F. Ogden,  
E. H. Read  
Andrew Sargent,  
W. T. Sharp,  
H. S. Vanzant,  
David Woods—23.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Mallory moved that the rules of the House be suspended in order that the Committee on Judiciary might report:

H. B. 419. An act changing the boundaries of the Third and Eleventh Congressional Districts.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,  
B. W. Bradburn,  
A. C. Brown,  
J. L. Brown,  
A. Bertram,  
Rueben Conner,  
A. H. Charlton,  
W. W. Combs,  
T. W. Clark,  
W. T. Chilton,

John T. Hinton,  
W. B. Henderson,  
G. W. Hickman,  
Joseph F. Laufer,  
John M. Letterle,  
J. M. Lee,  
J. R. Mallory,  
J. R. Mount,  
J. J. Marquette,  
W. J. Mears,

R. E. Richardson,  
J. S. Robey,  
S. Atwood Smith,  
F. G. Shepherd,  
J. A. Small,  
O. P. Searcy  
Miles Spurlock,  
Waller Sharp,  
G. B. Stout,  
Ham. Shehan,

W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. C. Cantrill	W. A. Morris,	A. J. Thompson,
J. E. Cahill,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	M. F. North,	South Trimble,
A. S. Denton,	Michael O'Sullivan,	George Traver,
Claude Desha,	E. Petty,	L. E. Weatherford,
W. W. Gill,	V. Perkins,	C. A. Wilson,
W. C. Holland,	A. B. Pieratt,	R. E. Watkins,
J. A. Humphreys,	L. C. Rawlings,	R. C. Walker—57.
W. C. G. Hobbs,		

Those who voted in the negative were:

W. H. Cole,	Anderson Hatfield,	J. H. Minor,
John Collins,	J. A. Ingram,	Chas. F. Ogden,
M. T. Freeman,	J. P. Jeffries,	E. H. Read,
C. W. Haverly,	B. C. Jarnagin,	Andrew Sargent,
J. S. Hood,	Ruben Morris,	W. T. Sharp,
James M. Hall,	R. C. Myers,	H. S. Vanzant,
J. H. Hall,	Noah Marsee,	David Woods—23.
J. P. Haswell, Jr.,	F. May,	

Mr. Chinn, from the Committee on Judiciary, reported:

H. B. 419. An act changing the boundaries of the Third and Eleventh Congressional Districts.

Said bill was read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. A. C. Brown read and laid on the table the following resolution, viz:

Whereas, A crisis is impending in this country, and the people of this Commonwealth are calling upon its citizens to express their sentiments in regard to the threatened war between the United States of America and Spain; and,

Whereas, One of our finest and best war ships has been blown to atoms in sight of Moro Castle, near the Isle of Cuba,

and many of our fellow-Americans went down to an untimely death; be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Adjutant-General be, and he is hereby, requested to furnish this body with a statement of the number of available men in this Commonwealth, ready at a moment's warning to assist in protecting our National honor, and revenging the loss of so many of our gallant comrades; and that a tender of the services of all our citizens, whether Union or Confederate soldiers, be made to our Chief Executive, with the assurance that Kentucky is ready to help drive back any foreign foe as soon as the first gun is fired.

Mr. Trimble moved to suspend the rules in order that the House might take from the orders of the day:

H. B. 348. An act giving effect to so much of section 199 of the Constitution of the Commonwealth of Kentucky as provides for the right to construct and maintain lines of telegraph in this State.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	R. E. Richardson,
B. W. Bradburn,	G. W. Hickman,	J. S. Robey,
A. C. Brown,	J. H. Lackey,	S. Atwood Smith,
J. L. Brown,	Joseph F. Laufer,	F. G. Shepherd,
A. Bertram,	John M. Letterle,	J. A. Small,
Reuben Conner,	J. M. Lee,	Andrew Sargent,
A. H. Charlton,	J. R. Mallory,	O. P. Searcy,
T. W. Clark,	J. R. Mount,	Miles Spurlock,
W. T. Chilton,	J. J. Marquette,	G. B. Stout,
W. H. Cooke,	W. J. Mears,	Ham. Shehan,
J. C. Cantrill,	John M. Moore,	B. F. Saunders,

J. E. Cahill,	W. A. Morris,	A. J. Thompson,
J. Morgan Chinn,	J. Mc. Meloan,	Frank M. Tracy,
A. S. Denton,	M. F. North,	South Trimble,
Claude Desha,	Michael O'Sullivan,	George Traver,
J. B. Depp,	L. J. Owen,	L. E. Weatherford,
W. W. Gill,	W. C. Pike,	C. A. Wilson,
W. C. Holland,	E. Petty,	R. E. Watkins,
J. A. Humphreys,	V. Perkins,	R. C. Walker,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams—62.
J. P. Haswell, Jr.,	L. C. Rawlings,	

Those who voted in the negative were:

J. S. Hood,	J. P. Jeffries,	F. May,
James M. Hall,	R. C. Jarnagin,	E. H. Read,
J. H. Hall,	Reuben Morris,	H. S. Vanzant,
Anderson Hatfield,	Noah Marsee,	David Woods—12.

The House took from the orders of the day.

H. B. 348. An act giving effect to so much of section 199 of the Constitution of the Commonwealth of Kentucky as provides for the right to construct and maintain line of telegraph in this State.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth Kentucky:

Section 1. That a telegraph company chartered or incorporated by the laws of this or any other State, shall upon making just compensation as hereinafter provided, have the right to construct, maintain and operate telegraph lines through any public lands of this State, and on, across and along all highways and turnpikes, and across and under any navigable waters, and on, along, and upon the right of way and structures of any railroad in this State; Provided, That the posts,

arms, insulators, and other fixtures of such telegraph lines be erected and maintained in the usual manner of constructing, operating and maintaining telegraph lines on or along and upon the right of way of railroads, and on, across and along the highways, and across and under navigable waters, and in such manner as not to interfere with the ordinary travel and traffic on such highways, railroads or waters, or that of any other telegraph line already constructed on the right of way of any railroad.

Sec. 2. That whenever any such telegraph company desires to construct, operate and maintain its lines on, along or upon the right of way and structures of any railroad, or upon and along the roadways of any incorporated turnpike, it may through an authorized agent agree and contract with such railroad and turnpike companies for such right.

Sec. 3. That in case any telegraph company having the right and privilege herein granted is unable to agree with such railroad or turnpike company for the exercise of such rights and privileges, such telegraph company may file its petition, sworn to by its agent, in the office of the clerk of the county court of any county in which any portion of such railroad or turnpike is situated, or may run, and one proceeding shall be sufficient to condemn the right of way herein provided for of any railroad or turnpike in this State. Said petition shall designate the railroad or turnpike, as the case may be, and the particular use, right, easement or privilege sought to be condemned, and shall state the name of the petitioner, where incorporated, how and in what manner, and with what kind of material it proposes to construct its telegraph line, and that it has complied with the Constitution and laws of this Commonwealth in regard to such corporations seeking to exercise rights of eminent domain. An application in writing by an authorized agent of such telegraph company delivered to the president or any general officer of any railroad or turnpike company proposing to agree with such company



upon the compensation to be paid and offering therefor a sum certain for such rights and privileges, not accepted in ten days thereafter in writing by such president, general officer, or some one else duly authorized, may be treated as a failure to agree with such turnpike or railroad company.

Sec. 4. That such petition as hereinbefore provided for may be filed at any time and the proceedings thereunder had shall be in rem against such railroad and structures and turnpike roadway, and, upon the filing of such petition the clerk of said county court shall issue a summons, which shall be executed by the sheriff upon any agent of such railroad or turnpike company in said county, notifying such railroad or turnpike company of such proceedings and to appear to the next term of the said county court to be holden in and for said county and make any lawful defense thereto, if it sees proper so to do. This summons must be served upon such agent at least ten days before the term of court to which it is returnable, and such clerk shall also issue a writ of fieri facias, commanding the sheriff to summons and have on the first day of said court to which said cause is returnable, a special venire of eighteen good and lawful men, citizens, and qualified jurors of said county to serve as jurors in said cause. To which jurors either party may have as many challengers, and for the same causes, as in the trial of other civil causes in the circuit courts of this Commonwealth, and from said special venire and talesmen, if necessary, a jury of twelve men shall be empaneled, who shall be sworn by the clerk or judge of said court as follows:

"I do solemnly swear that as a member of this jury I will a true verdict render in this cause, assessing for the defendant the actual cash value of so much of its land as may be shown by the proof will be actually taken and occupied by the petitioner, and such other incidental damages if any, as shown by the proof will accrue to the remainder of the right of way for the purpose for which it is held by the defendant, by reason of the construction of petitioner's telegraph line in the manner set out in the petition, so help me God."

Sec. 5. That the court shall admit any relevant testimony either party may offer to prove the cash market value of the land that will be taken and occupied by the petitioner and all actual damages that will accrue to the defendant in the diminution of the value of the remainder of its right of way for railroad or turnpike purposes, as the case may be, by reason of the construction of the telegraph line upon such right of way in the manner set out in the petition. And in considering incidental damages to the defendant they may take into consideration any advantages that may accrue to the defendant as shown by the proof, by reason of the construction of such telegraph line.

Sec. 6. The jury shall not be required to go upon or view such right of way, and shall return their verdict in the form following:

"We, the jury, assess the damages and just compensation to be paid ..... by the ..... to be \$.....;" and the form of the verdict may be given the jury by the court.

Sec. 7. That upon the return of the verdict, the court shall enter up a judgment as follows: "In this case, the claim of the ..... telegraph company, to have condemned for its use, the right to construct, operate and maintain the line of telegraph upon the right of way of defendant in this State, in the manner set out in its petition, was submitted to a jury composed of (here insert the names) on the ..... day of ....., A. D., ....., and said jury returned a verdict fixing said defendant's due compensation and damages at \$....., and the verdict was received and entered. Now, upon payment of said award, either to the defendant or to the clerk of this court, and all cost in this behalf expended, said ..... telegraph company may enter upon said land and appropriate so much thereof as may be necessary, as prayed for in its petition."

Sec. 8. That either party shall have the right to appeal from said judgment to the Court of Appeals within thirty days

after the rendition of said judgment, upon entering into bond, with sureties, to be approved by the court, or judge in vacation, in the sum of two hundred dollars, conditioned to pay all costs that may be adjudged against it if said cause shall be affirmed. But an appeal by the defendant shall not operate as a supersedeas; Provided, The telegraph company shall enter into bond with the sureties, to be approved by the court, in double the amount of the award, payable to the defendant in case said cause shall be reversed, and upon the execution of such bond, may construct its telegraph lines upon the right of way, as prayed for in its petition.

Sec. 9. That no notice of the condemnation proceedings herein provided for shall be given to any mortgagee of the defendant, but in the event there be any mortgage recorded in the county where such proceedings are had, upon the property condemned, then the damages and compensation awarded by the jury shall be paid to the clerk of said court, whose duty it shall be, forthwith, to mail written notice of such proceeding and of said award, to the mortgagee or trustee named in said mortgage, who may contest with the said defendant for the same, if he sees fit to do so.

Sec. 10. That if any telegraph company has heretofore constructed its lines of telegraph upon the right of way of any railroad or turnpike company in this State, such railroad or turnpike company shall petition the county court of any county through which said line is constructed to have its damages and compensation assessed against such telegraph company, and like proceedings shall be had as if instituted by such telegraph company herein provided for, and the payment by such telegraph company of the award that may be made in such case shall entitle such telegraph company to maintain and operate its telegraph line as if it had been constructed by virtue of this act, and in such proceedings the telegraph company shall pay the cost of such suit unless it shall, before such suit is insti-

tuted, offer to pay such railroad or turnpike company a sum more than the award of the jury, and, if the award of the jury be less than the sum offered by such telegraph company for such right or privilege then the cost of said proceedings shall be adjudged against such railroad or turnpike company, as the case may be; and the failure to institute such proceedings by such railroad or turnpike company within ninety days after this act shall take effect be a waiver of its right to recover damages in any amount or in any proceedings against such telegraph company for the use and occupation of so much of its right of way as is used by said telegraph company.

Sec. 11. That the officers of said court and the jury shall be allowed the same compensation for their services as of by law are allowed in civil suits for like services.

Sec. 12. That all laws in conflict with this act be and the same are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	R. E. Richardson,
B. W. Bradburn,	J. H. Lackey,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd,
A. Bertram,	J. R. Mallory,	J. A. Small,
Reuben Conner,	J. R. Mount,	O. P. Searcy,
A. H. Charlton,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Michael O'Sullivan,	South Trimble,
A. S. Denton,	L. J. Owen,	George Traver,
Claude Desha,	E. Petty,	L. E. Weatherford.
W. W. Gill,	W. C. Pike,	C. A. Wilson,

W. C. Holland,	V. Perkins,	R. E. Watkins,
J. A. Humphreys,	A. B. Pieratt,	R. C. Walker,
W. C. G. Hobbs,	L. C. Rawlings,	Jas. H. Williams-55.
W. B. Henderson,		

Those who voted in the negative were:

John Collins,	R. C. Myers,	Chas. F. Ogden,
Anderson Hatfield,	Noah Marsee,	E. H. Read,
J. P. Jeffries,	F. May,	H. S. Vanzant,
R. C. Jarnagin,	J. H. Minor,	David Woods-13.
Reuben Morris,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Desha moved to reconsider the vote by which the House rejected:

H. B. 137. An act prohibiting the playing of base ball on the Sabbath, and providing punishment therefor.

Said motion was rejected.

Mr. Williams moved to suspend the rules of the House in order that the House might take from the orders of the day:

H. B. 102. An act to amend and re-enact an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court district.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House, were as follows:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	R. E. Richardson,
T. H. Armstrong,	Anderson Hatfield,	E. H. Read,
B. W. Bradburn,	J. A. Ingram,	J. S. Robey,

A. C. Brown,	J. P. Jeffries,	S. Atwood Smith,
J. L. Brown,	J. H. Lackey,	F. G. Shepherd,
A. Bertram,	Joseph F. Laufer,	J. A. Small,
W. H. Cole,	John M. Letterle,	Andrew Sargent,
W. W. Combs,	J. M. Lee,	O. P. Searcy,
T. W. Clark,	J. R. Mallory,	Miles Spurlock,
W. H. Cooke,	Reuben Morris,	Waller Sharp,
J. C. Cantrill,	J. R. Mount,	G. B. Stout,
J. E. Cahill,	J. J. Marquette,	Ham. Shehan,
J. Morgan Chinn,	W. J. Mears,	B. F. Saunders,
John Collins,	John M. Moore,	A. J. Thompson,
A. S. Denton,	F. May,	Frank M. Tracy,
M. T. Freeman,	J. H. Minor,	South Trimble,
W. C. Holland,	W. A. Morris,	George Traver,
C. W. Haverly,	M. F. North,	H. S. Vanzant,
J. S. Hood,	Michael O'Sullivan,	C. A. Wilson,
J. A. Humphreys,	L. J. Owen,	C. B. Wheeler,
W. C. G. Hobbs,	E. Petty,	R. E. Watkins,
James M. Hall,	V. Perkins,	R. C. Walker,
John T. Hinton,	A. B. Pieratt,	David Woods,
J. P. Haswell, Jr.,	L. C. Rawlings,	Jas. H. Williams-73.
W. B. Henderson,		

Those who voted in the negative were:

W. T. Chilton,	W. W. Gill,	J. H. Hall—4.
J. B. Depp,		

The House took from the orders of the day:

S. B. 102. An act to amend and re-enact an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court district.

Mr. Wheeler moved to amend said bill as follows, viz:

Amend by changing the word "Pike" in line one, of section 2, to the word "Floyd," and the word "Pike

ville" in same line to the word "Prestonsburg." Also in second line of same section the word "second" to "first," and the word "third" to "first," and in line fifth of same section change the word "Floyd" to "Pike" and the word "Prestonsburg" to "Pikeville," and in line six the word "Pike" to "Floyd," and in line nine the word "Floyd" to "Pike."

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judiciary districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court districts, is hereby amended and re-enacted so as to read as follows:

Sec. 2. Twenty-fourth District—Floyd county at Prestonsburg on the first Monday in January; the first Monday in April; and the first Monday in September, and each term continue eighteen juridical days.

Pike county, at Pikeville, on the Mondays succeeding the termination of each Floyd term, and continue eighteen juridical days, each.

Johnson county, at Paintsville, on the Mondays succeeding the termination of each Pike term, and continuing twelve juridical days, each.

Martin county, at Inez, on the Mondays succeeding the termination of the Johnson term, continuing twelve juridical days, each.

Knott county, at Hindman, on the Mondays succeeding the termination of the Martin term, except the fall term, which shall begin on the Monday following the general November election, continuing twelve juridical days, each.

Sec. 3. Whereas, the present court system for the twenty-fourth judicial district the last week of the July term of the Knott Circuit Court conflicts with the first week of the August term of the Martin Circuit Court, and the October term of the Pike Circuit Court with the general election, and whereas the March term of said court is a great expense and inconvenience to the litigants, by reason of their large timber interests, an emergency for this act to take effect at once exists; therefore, this act shall take effect from and after its approval by the Governor.

The yeas and nays being requirnd thereon by a provision by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Hawell, Jr.,	R. E. Richardson,
T. H. Armstrong,	W. B. Henderson,	E. H. Read,
B. W. Bradburn,	G. W. Hickman,	J. S. Robey,
A. C. Brown,	Anderson Hatfield,	S. Atwood Smith,
J. L. Brown,	J. A. Ingram,	F. G. Shepherd.
W. H. Cole,	J. P. Jeffries,	J. A. Small,
A. H. Charlton,	J. H. Lackey,	Andrew Sargent,
W. W. Combs,	J. M. Lee,	W. T. Sharp,
T. W. Clark,	J. R. Mallory,	O. P. Searcy,
W. T. Chilton,	Reuben Morris,	Miles Spurlock,
W. H. Cooke,	J. R. Mount,	G. B. Stout,
J. C. Cantrill,	J. J. Marquette,	Ham. Shehan,
J. E. Cahill,	Noah Marsec,	B. F. Saunders,
J. Morgan Chinn,	John M. Moore,	A. J. Thompson,
John Collins,	F. May,	Frank M. Tracy,
A. S. Denton,	J. H. Minor,	South Trimble,
Claude Desha,	W. A. Morris,	George Traver,
M. T. Freeman,	J. Mc. Meloan,	H. S. Vanzant,
W. W. Gill,	M. F. North,	L. E. Weatherford,
W. C. Holland,	Chas. F. Ogden,	C. A. Wilson,
C. W. Haverly,	Michael O'Sullivan,	C. B. Wheeler,



J. S. Hood,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	V. Perkins,	R. C. Walker,
W. C. G. Hobbs,	A. B. Pieratt,	David Woods,
James M. Hall,	L. C. Rawlings,	Jas. H. Williams-76.
J. H. Hall,		

Those who voted in the negative were: none

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Clark moved that the rules of the House be suspended in order that the House might take from the orders of the day:

H. B. 320. An act to change the assignment of the city of Madisonville, Hopkins county, from the fifth class to the fourth class, and to amend and re-enact an act entitled, "An act to assign cities and towns of the Commonwealth to the classes to which they belong."

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Haswell, Jr.,	V. Perkins,
T. H. Armstrong,	W. B. Henderson,	A. B. Pieratt,
B. W. Bradburn,	G. W. Hickman,	L. C. Rawlings,
A. C. Brown,	Anderson Hatfield,	R. E. Richardson,
J. L. Brown,	J. A. Ingram,	E. H. Read,
A. Bertram,	J. P. Jeffries,	S. Atwood Smith,
W. H. Cole,	J. H. Lackey,	F. G. Shepherd,
Rebuen Conner,	Joseph F. Laufer,	J. A. Small,
T. W. Clark,	John M. Letterle,	Andrew Sargent,
W. T. Chilton,	J. M. Lee,	W. T. Sharp,
W. H. Cooke,	J. R. Mallory,	O. P. Searcy,
J. C. Cantrill,	Reuben Morris,	Miles Spurlock,

J. E. Cahill,	J. R. Mount,	B. F. Saunders,
J. Morgan Chinn,	J. J. Marquette,	A. J. Thompson,
John Collins,	Noah Marsee,	South Trimble,
A. S. Denton,	John M. Moore,	H. S. Vanzant,
Claude Desha,	J. H. Minor,	L. E. Weatherford,
J. S. Hood,	W. A. Morris,	C. A. Wilson,
J. A. Humphreys,	J. Mc. Meloan,	R. E. Watkins,
W. C. G. Hobbs,	M. F. North,	R. C. Walker,
James M. Hall,	Chas. F. Ogden,	David Woods,
J. H. Hall,	Michael O'Sullivan,	Jas. H. Williams-68.
John T. Hinton,	E. Petty,	

Those who voted in the negative were:

J. B. Depp,	W. C. Holland,	W. J. Mears-3.
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Mr. Clark moved to recommit said bill to the Committee on Classification of Cities and Towns.

Said motion was adopted.

Mr. Traver moved that the rules of the House be suspended in order that the Committee on County and City Courts might report:

H. B. 248. An act to provide for the creation and government of suburban districts.

Said motion was adopted.

The yeas and nays being required thereon by a rule of the House were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	John T. Hinton,	L. C. Rawlings,
T. H. Armstrong,	W. B. Henderson,	R. E. Richardson.
B. W. Bradburn,	G. W. Hickman,	E. H. Read,
A. C. Brown,	J. H. Lackey,	J. S. Robey,
George H. Bishop,	Joseph F. Laufer,	S. Atwood Smith.
A. Bertram,	J. M. Lee,	F. G. Shepherd.

A. H. Charlton,	J. R. Mallory,	J. A. Small,
T. W. Clark,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	W. J. Mears,	G. B. Stout,
J. Morgan Chinn,	Noah Marsee,	B. F. Saunders,
John Collins,	John M. Moore,	A. J. Thompson,
A. S. Denton,	W. H. McKee,	Frank M. Tracy,
Claude Desha,	W. A. Morris,	South Trimble,
W. W. Gill,	M. F. North,	George Traver,
W. C. Holland,	Michael O'Sullivan,	L. E. Weatherford,
J. A. Humphreys,	L. J. Owen,	C. A. Wilson,
W. C. G. Hobbs,	E. Petty,	R. E. Watkins,
James M. Hall,	V. Perkins,	R. C. Walker,
J. H. Hall,	A. B. Pieratt,	Jas. H. Williams—60.

Those who voted in the negative were:

J. L. Brown—1.

Mr. Perkins, from the Committee on County and City Courts, to which the same had been referred, reported:

H. B. 248. An act to provide for the creation and government of suburban districts.

Said bill was read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Bradburn moved that when this House adjourn at 1:30 o'clock it be to meet again at 3:30 o'clock this p. m., for the purpose of the calling of committees for the report of bills.

Said motion was adopted.

Mr. Haswell entered a motion to reconsider the vote by which the House rejected:

H. B. 38. An act to amend section 6, of an act entitled, "An act to provide free turnpike and gravel roads," approved March 17, 1897.

The House took a recess until 3:30 o'clock.

## AFTERNOON SESSION.

The House met at 3:30 o'clock.

Mr. Speaker Beckham in the chair.

A message was received from the Senate, announcing that they had passed:

H. B. 102. An act to repeal sections 5, 6 and 7 of an act entitled, "An act to prevent lynching and injury to and destruction of real and personal property in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to provide penalties for the enforcement of its provisions," approved May 20, 1897.

That they had passed:

S. B. 194. An act changing the boundaries of the Third and Eleventh Congressional Districts.

Referred to the Committee on Kentucky Statutes.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate of the following titles, viz:

S. B. 145. An act to further regulate elections.

S. B. 54. An act to change the boundaries of the Eighth and Eleventh Congressional Districts of Kentucky.

And had found the same correctly enrolled.

Said bills were then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives, in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

The House took up the unfinished business of Saturday, viz:

H. B. 307. An act to amend sections 4196 and 4198 of article 10, subdivision 1, of chapter 108, and to amend sections 4221, of article 10, of subdivision 3, of chapter 108 of the acts of the General Assembly of the Commonwealth of Kentucky, entitled "Revenue and Taxation," approved November 11, 1892.

Said bill was read in full the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

The committee to which the same had been referred reported bills as follows, viz:

By Mr. Morris, from the Committee on Agriculture and Manufactures:

H. B. 385. An act to fix the hundred weight and ton of hemp, and to prescribe a penalty for the violation thereof.

By Mr. Bradburn, from the Committee on Kentucky Statutes:

S. B. 194. An act changing the boundaries of the Third and Eleventh Congressional Districts.

By same:

An act to amend section 1720, article 1, chapter 47 Kentucky Statutes relating to clerk's fees.

By same:

H. B. 153. An act to amend section 1, article 8, chapter 38, of General Statutes, being section 1697, subdivision 1, article 15, chapter 46, Kentucky Statutes.

By same:

H. B. 346 An act to legalize the election of officers in certain cities of this Commonwealth.

By same:

S. B. 38. An act to establish the office of physician to the jail in certain counties containing a population of 150,000 or more.

By same:

S. B. 58. An act to amend an act to appropriate money to erect monuments at Chicamauga and Chattanooga Park, chapter 24 laws of Kentucky, approved March 17, 1896.

By same:

H. B. 300. An act amending an act to punish persons for fraudulently selling, concealing or disposing of mortgaged personal property, approved February 3, 1874.

By same:

H. B. 261. An act to re-enact an act to prevent fraudulent claims against the Commonwealth, and to recover such as have been paid, approved April 24, 1880.

Which bills were severally read the first time, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Bradburn, from the Committee on Kentucky Statutes, which originated the same, reported:

H. B. 476. An act to repeal section 12, article 11, chapter 48 General Statutes, section 2025 Kentucky Statutes.

Said bill was read the first time, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been recommitted, reported:

H. B. 54. An act to amend section 36, of article 4, chapter 141 of the acts of 1891-2-3, entitled, "An act relating to landlord and tenants," approved February 7, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Sec. 2326. A tenancy at will or by sufferance may be terminated by the landlord giving five days' notice, in writing, to the tenant, requiring him to remove.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative were:

B. W. Bradburn,	W. C. Holland,	Chas. F. Ogden,
George H. Bishop,	C. W. Haverly,	E. Petty,
A. Bertram,	J. A. Humphreys,	V. Perkins,
Reuben Conner,	James M. Hall,	W. H. Ragland,
T. W. Clark,	John T. Hinton,	E. H. Read,
W. H. Cooke,	J. P. Haswell, Jr.,	J. A. Small,
J. C. Cantrill,	W. B. Henderson,	Andrew Sargent,
J. E. Cahill,	Anderson Hatfield,	Frank M. Tracy,
J. Morgan Chinn,	J. R. Mallory,	George Traver,
John Collins,	Reuben Morris,	R. E. Watkins,
A. S. Denton,	J. J. Marquette,	David Woods,
M. T. Freeman,	W. A. Morris,	Jas. H. Williams-38.
W. W. Gill,	M. F. North,	

Those who voted in the negative were:

Bruce Adkins,	J. R. Mount,	J. S. Robey,
J. L. Brown,	W. J. Mears,	S. Atwood Smith,
W. H. Cole,	R. C. Myers,	W. T. Sharp,
A. H. Charlton,	Noah Marsee,	O. P. Searcy,
Claude Desha,	John M. Moore,	Miles Spurlock,
J. B. Depp,	W. H. McKee,	G. B. Stout,
J. S. Hood,	J. H. Minor,	Ham. Shehan,
W. C. G. Hobbs,	J. Mc. Meloan,	B. F. Saunders,

G. W. Hickman,	L. J. Owen,	A. J. Thompson,
J. P. Jeffries,	W. C. Pike,	H. S. Vanzant,
J. H. Lackey,	A. B. Pieratt,	L. E. Weatherford,
Joseph F. Laufer,	L. C. Rawlings,	C. A. Wilson,
John M. Letterle,	R. E. Richardson,	R. C. Walker—40.
J. M. Lee,		

So said bill was rejected.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been recommitted, reported :

H. B. 51. An act to amend section 1697 of Kentucky Statutes, entitled, "An act exempting personal property of persons with a family residing in this Commonwealth."

Said bill was read the second time and recommitted to the Committee on Municipalities.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been recommitted, reported :

H. Res. 9. Resolution adopting the Kentucky Statutes compiled and edited by J. Barbour and Jno. D. Carroll.

Pending the consideration of said resolution the hour of 5 o'clock P. M., arrived.

And then the House adjourned.

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TUESDAY, MARCH 1, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.



Mr. Ogden moved the adoption of the following resolution, viz :

Resolved, That the legislative districts be called alphabetically and the representatives therefrom may select one bill from the orders of the day or from any committee and place it upon its passage.

Ordered that said resolution be referred to the Committee on Rules.

Mr. Hobbs, from the Committee on Rules reported as follows, viz :

The Committee on Rules shall have power at any time to call from the orders of the day, any bill and propose the same to the House for consideration, and should the House decide by vote to consider it, it shall be submitted for passage. The committee shall also be authorized to call from other committees any bills in their hands and have them advanced to the reading to which said bills may be entitled.

Said report was adopted.

The yeas and nays being demanded thereon by Messrs. Myers and Haswell were as follows, viz :

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	W. H. Ragland,
Bruce Adkins,	W. B. Henderson,	R. E. Richardson,
T. H. Armstrong,	G. W. Hickman,	E. H. Read,
B. W. Bradburn,	Anderson Hatfield,	S. Atwood Smith,
A. C. Brown,	J. H. Lackey,	G. Weissinger Smith,
J. L. Brown,	Joseph F. Laufer,	F. G. Shepherd,
George H. Bishop,	John M. Letterle,	J. A. Small,
A. Bertram,	J. M. Lee,	O. P. Searcy,
Reuben Conner,	J. R. Mallory,	Miles Spurlock,
A. H. Charlton,	J. R. Mount,	G. B. Stout,
W. W. Combs,	W. J. Mears,	Ham Shehan,
T. W. Clark,	W. A. Morris,	B. F. Saunders,

W. H. Cooke,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	George Traver,
J. Morgan Chinn,	Chas. Aaron Nelson,	L. E. Weatherford,
Claude Desha,	L. J. Owen,	C. A. Wilson,
J. B. Depp,	E. Petty,	C. B. Wheeler,
M. T. Freeman,	W. C. Pike,	R. E. Watkins,
W. W. Gill,	V. Perkins,	R. C. Walker,
W. C. Holland,	A. B. Pieratt,	J. D. Wills,
C. W. Haverly,	L. C. Rawlings,	Jas. H. Williams-64.
W. C. G. Hobbs,		

Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	J. H. Minor,
John Collins,	Reuben Morris,	Chas. F. Ogden,
J. S. Hood,	R. C. Myers,	W. T. Sharp,
James M. Hall,	Noah Marsee,	H. S. Vanzant,
J. P. Haswell, Jr.,	John M. Moore,	David Woods-16.
J. A. Ingram,		

Mr. Hobbs, from the Committee on Rules, reported as follows, viz:

Resolved, That, beginning Tuesday, March 1, this House shall hold afternoon sessions on each day of the week except on Saturdays. Said afternoon sessions shall begin at 3 o'clock P. M. and continue to 5 o'clock P. M. except on Mondays, when the afternoon session shall begin at 3:30 P. M. and continue until 5 P. M. It shall be in order at these afternoon sessions for the House to consider the orders of the day or the reports from the Committee on Rules or it may by vote proceed to the call of committees.

Said report was adopted.

Upon the call of counties for the introduction of bills, the following were introduced and referred as follows, viz:

By Mr. Spurlock:

H. B. 477. An act to change the boundary of the town of Beattyville in Lee county.

Referred to the Committee on Classification of Cities and Towns.

By Mr. Meloan:

H. B. 478. An act to empower school trustees in cities of the fifth class to issue bonds to be left to a vote of the people of such cities.

Referred to the Committee on Education.

By Mr. Armstrong.

H. B. 479. An act to amend and re-enact section 15, chapter 27, of an act entitled an act to provide free turnpikes and gravel roads, approved March 17, 1896.

Referred to the Committee on Constitutional Amendments.

By Mr. Stout.

H. B. 480. An act to repeal chapter 403 of session acts of 1883-4, entitled, "An act to incorporate the Southern Pacific Company," approved March 16, 1884.

Referred to the Committee on Corporate Institutions.

Mr. Hobbs, from the Committee on Rules, called from the committee:

H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington.

Mr. Hinton, from the Committee on Charitable Institutions, to which the same had been recommitted, reported:

H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated out of the general revenue of the State the sum of thirty thousand dol-

lars for the benefit of the Eastern Kentucky Asylum for the Insane, at Lexington, to be expended by the board of commissioners thereof, in constructing an adequate sewer for said institution, erecting a hospital, furnishing and equipping same, electric light plant, repairing cold storage building, putting in new and necessary plumbing, proper fire protection, repairs to old buildings and fencing.

Sec. 2. The money hereby appropriated shall be drawn on drafts of the board of commissioners of said institution, and upon such draft or drafts, being made to and upon him, the Auditor of Public Accounts shall draw his warrant or warrants upon the Treasurer of this State in favor of the treasurer of said asylum, for any sum, or sums, of money not exceeding the amount hereby appropriated to said institution; but no part of said money shall be drawn from the treasurer of said institution, except in payments for the work and improvements mentioned in section 1 of this act.

Sec. 3. The president of the board of commissioners shall advertise for bids for furnishing all labor, and materials of every kind and description necessary for the construction of said sewer, the erection of said hospital, and necessary equipment of same, electric light plant and making said repairs, except such labor and materials as may be furnished by the employees or patients of said institution, and all such bids shall be opened in the presence of the board of commissioners, and it shall be the duty of the latter to accept such bid or bids as it may consider the lowest and best; and if, in its judgment, all or any of such bids shall be unsatisfactory, and said board of commissioners can provide the necessary labor and materials, or any part thereof, cheaper than by accepting such bids, it shall have the right to do so, in its discretion, and if said labor and materials, or any part thereof, shall be furnished by contract, such board of commissioners shall retain from the contract price therefor an amount sufficient to secure the faithful performance of any and all contracts, and

shall not pay the same, or any part thereof, until such contract shall have been fully and faithfully performed, accepted and approved by such board of commissioners.

Sec. 4. The board of commissioners of said institution shall not pay, or cause to be paid, any part of the money appropriated by this act to any contractor, or contractors or other persons employed in the construction, erecting, or furnishing material for the work and repairs authorized by this act, until such contractor, or contractors, or other person or persons, shall deliver to such board, or the president thereof, an itemized account of all the materials furnished or labor performed, for which payment may be requested, or demanded, which said itemized account shall be approved and endorsed by the architect, or superintendent, employed by such board of commissioners, and verified by the oath of such contractor, or contractors, or other person, or persons presenting such account for payment, and if such account is found to be just and correct, and is approved by the board, the secretary of the board of commissioners shall note said facts in the form of a certificate on or appended to such itemized account and the same shall then be paid as other accounts or bills or claims against such institution are paid by order of the board of commissioners thereof.

Sec. 5. The board of commissioners of said institution shall, within three months after completing and furnishing the buildings, as herein provided for, make an itemized statement, showing each and every item of expenditure made by such board under the provisions of this act, which said statement shall be duly verified under oath by each member of said board, and through the president of such board such statement shall be filed with the Auditor of Public Accounts, and the president of such board shall make a full and complete statement with such Auditor, and account for all monies appropriated by this act to said institution, and upon such settlement such board of commissioners shall pay back into the

treasury any unexpended balance of the appropriation herein made to such institution, which may remain in the hands of the treasurer of such institution.

Sec. 6. On account of the urgent need for a sewer, and the necessity of a hospital, electric light plant, new plumbing, at the above named asylum, and that the money herein appropriated to same shall be applied to the uses and purposes herein provided for, at the earliest practicable date, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	James M. Hall,	W. C. Pike,
Bruce Adkins,	John T. Hinton,	V. Perkins,
T. H. Armstrong,	J. P. Haswell, Jr.,	A. B. Pieratt,
B. W. Bradburn,	W. B. Henderson,	L. C. Rawlings,
J. L. Brown,	G. W. Hickman,	W. H. Ragland,
George H. Bishop,	Anderson Hatfield,	E. H. Read,
A. Bertram,	J. A. Ingram,	S. Atwood Smith,
W. H. Cole,	J. P. Jeffries,	G. Weissinger Smith,
Reuben Conner,	J. H. Lackey,	F. G. Shepherd,
A. H. Charlton,	Joseph F. Laufer,	J. A. Small,
W. W. Combs,	John M. Letterle,	Andrew Sargent,
T. W. Clark,	J. M. Lee,	O. P. Searcy,
W. T. Chilton,	J. R. Mallory,	Miles Spurlock,
W. H. Cooke,	Reuben Morris,	G. B. Stout,
J. E. Cahill,	J. J. Marquette,	Ham. Shehan,
J. Morgan Chinn,	W. J. Mears,	B. F. Saunders,
John Collins,	R. C. Myers,	Frank M. Tracy,
A. S. Denton,	Noah Marsee,	George Traver,
Claude Desha,	J. H. Minor,	H. S. Vanzant,

M. T. Freeman,	W. A. Morris,	C. A. Wilson,
W. W. Gill,	M. F. North,	C. B. Wheeler,
W. C. Holland,	Chas. F. Ogden,	R. E. Watkins,
J. S. Hood,	L. J. Owen,	David Woods,
J. A. Humphreys,	E. Petty,	Jas. H. Williams—72.
W. C. G. Hobbs,		

Those who voted in the negative were:

J. B. Depp,	Chas. Aaron Nelson,	L. E. Weatherford,
J. R. Mount,	R. E. Richardson,	R. C. Walker,
John M. Moore,	J. S. Robey,	J. D. Wills—11.
J. Mc. Meloan,	A. J. Thompson,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been recommitted, reported:

H. Res. 9. Resolution adopting the Kentucky Statutes compiled and edited by J. Barbour and Jno. D. Carroll.

Mr. Williams moved an amendment to said resolution as follows, viz:

Amend by adding the following: "Provided, That this act shall not be held or construed to repeal any general or public act in force and effect at the date of the passage of this resolution and not included in the edition above mentioned."

Said amendment was rejected.

Ordered that said resolution be read the third time.

Said resolution was read the third time and rejected as follows, viz:

Whereas, The book edited by J. Barbour and John D. Carroll, known as the Kentucky Statutes, has been examined and approved by the Judges of the Court of Appeals as provided for by joint resolution of the General Assembly, approved March 19, 1894; and,

Whereas, The said book is in general use throughout the State of Kentucky, and recognized by the courts and tribunals of this Commonwealth as being and containing the general laws of this Commonwealth, but has never been so proclaimed, declared and adopted by the General Assembly; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the book edited by J. Barbour and J. D. Carroll, denominated and known as the Kentucky Statutes, shall be, and the same is hereby adopted as the statute laws of Kentucky, subject to such modifications and amendments as may have been subsequently made by acts of the General Assembly, and that its name and title shall be "The Kentucky Statutes."

Sec. 2. Whereas, The said book is now in use throughout the State of Kentucky and on exchange with other States, and being daily referred to by the General Assembly and courts of this Commonwealth as the Kentucky Statutes, therefore, an emergency is declared and this resolution shall take effect from its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	J. S. Robey,
W. H. Cole,	J. R. Mount,	S. Atwood Smith,
W. W. Combs,	J. J. Marquette,	O. P. Searcy,
W. T. Chilton,	M. F. North,	Miles Spurlock,
J. E. Cahill,	Emmett Orr,	L. E. Weatherford.
W. C. Holland,	A. B. Pieratt,	Jas. H. Williams-18.

Those who voted in the negative were:

M. Abele,	J. A. Ingram,	L. C. Rawlings.
T. H. Armstrong,	J. P. Jeffries,	W. H. Ragland.



B. W. Bradburn,	J. H. Lackey,	R. E. Richardson,
J. L. Brown,	Joseph F. Laufer,	E. H. Read,
George H. Bishop,	John M. Letterle,	G. Weissinger Smith,
Reuben Conner,	J. M. Lee,	F. G. Shepherd,
A. H. Charlton,	J. R. Mallory,	J. A. Small,
T. W. Clark,	Reuben Morris,	Andrew Sargent,
W. H. Cooke,	W. J. Mears,	W. T. Sharp,
J. Morgan Chinn,	R. C. Myers,	G. B. Stout,
John Collins,	Noah Marsee,	Ham. Shehan,
A. S. Denton,	John M. Moore,	B. F. Saunders,
Claude Desha,	F. May,	A. J. Thompson,
J. B. Depp,	J. H. Minor,	Frank M. Tracy,
M. T. Freeman,	W. A. Morris,	George Traver,
J. S. Hood,	J. Mc. Meloan,	H. S. Vanzant,
J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	C. B. Wheeler,
James M. Hall,	Michael O'Sullivan,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.,	W. C. Pike,	David Woods,
G. W. Hickman,	V. Perkins,	J. D. Wills—67.
Anderson Hatfield,		

So said resolution was rejected.

A message was received from the Senate, announcing that they had passed:

H. B. 115. An act to establish a uniform series of text-books to be used in the public schools of this Commonwealth, and to reduce the price therefor.

With a substitute proposed therefor by the Senate.

That they had adopted a resolution and passed bills which originated in that body of the following title, viz:

S. Res. 12. Resolution requesting our Senators and Representatives in Congress to urge the enactment of a law appropriating money to lock and dam Salt River.

Referred to the Committee on Internal Improvements.

S. B. 25. An act to amend sections 1, 4, 7, 8 and 10 of an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

Mr. Bradburn moved to refer said bill to the Committee on Municipalities.

Said motion was rejected.

Mr. Williams moved to refer said bill to the Committee on Public Morals.

Said motion was adopted.

Mr. Morris entered a motion to reconsider the vote by which said last named motion was adopted.

Mr. Chinn called from the clerk's desk:

H. B. 115. An act to establish a uniform series of text books to be used in the public schools of this Commonwealth and to reduce the price thereof.

With a substitute proposed therefor by the Senate.

The question being taken on concurring in said amendment it was decided in the negative.

The yeas and nays being demanded thereof by Messrs. Myers and Ogden were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	E. H. Read.
W. H. Cole,	J. P. Jeffries,	J. A. Small,
John Collins,	Reuben Morris,	Andrew Sargent.
M. T. Freeman,	R. C. Myers,	W. T. Sharp,
J. S. Hood,	Noah Marsee,	Frank M. Tracy.
W. C. G. Hobbs,	F. May,	H. S. Vanzant,
James M. Hall,	J. H. Minor,	C. B. Wheeler,
J. P. Haswell, Jr.,	Chas. F. Ogden,	David Woods—25.
Anderson Hatfield,		

Those who voted in the negative were:

Brnce Adkins,	G. W. Hickman,	W. H. Ragland,
T. H. Armstrong,	J. H. Lackey,	R. E. Richardson,
B. W. Bradburn,	John M. Letterle,	J. S. Robey,
A. C. Brown,	J. M. Lee,	S. Atwood Smith,
J. L. Brown,	J. R. Mallory,	G. Weissinger Smith,
A. Bertram,	J. R. Mount,	F. G. Shepherd,
W. H. Cole,	J. J. Marquette,	O. P. Searcy,
Reuben Conner,	W. J. Mears,	Miles Spurlock,
A. H. Charlton,	John M. Moore,	Waller Sharp,
W. W. Combs,	W. H. McKee,	G. B. Stout,
T. W. Clark,	W. A. Morris,	Ham. Shehan,
W. T. Chilton,	J. Mc. Meloan,	B. F. Saunders,
J. E. Cahill,	M. F. Minor,	A. J. Thompson,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	E. Petty,	R. E. Watkins,
W. C. Holland,	W. C. Pike,	R. C. Walker,
C. W. Haverly,	V. Perkins,	J. D. Wills,
J. A. Humphreys,	A. B. Pieratt,	Jas. H. Williams-65.
W. B. Henderson,	L. C. Rawlings,	

The House took from the calendar bills of the following titles, viz:

H. B. 288. An act to amend section 38, article 4, chapter 157, of the acts of 1891-2-3, entitled, "An act concerning liens," approved February 25, 1893.

H. B. 194. An act changing the boundaries of the Third and Eleventh Congressional Districts.

H. B. 350. An act for the benefit of the State Normal School for Colored Persons.

S. B. 155. An act to authorize any public school or graded school district in this State having outstanding against it

interest-bearing bonds to refund same and in lieu thereof to issue other bonds bearing a lower rate of interest.

H. B. 144. An act to regulate suits for damages against railroad companies or common carriers and to add attorneys' fees to judgments in said suits.

S. B. 159. An act to authorize the board of trustees of the Henderson high school to transfer and convey its school building and lot and all other property to the board of education of the city of Henderson, and to admit pupils from Henderson county to the high school to be established by the board of education of the city of Henderson, Ky., and to repeal an act entitled, "An act to amend an act entitled, 'An act to organize and establish a system of public schools in the city of Henderson,'" approved March 10, 1873.

H. B. 263. An act amending section 795 of subdivision 2, article 5, chapter 32, of the Kentucky Statutes, acts of May 24, 1892, relating to railroads.

Said bills were severally read the second time and placed in the orders of the day.

Mr. Humphreys called up a motion heretofore entered by Mr. Haswell to reconsider the vote by which the House rejected:

H. B. 38. An act to amend section 6 of an act entitled, "An act to provide free turnpike and gravel roads," approved March 17, 1896.

Said motion was rejected.

The House took from the orders of the day: .

S. B. 17. An act for the benefit of J. E. Robbins of Graves county.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, On the twentieth day of August, 1895, J. E. Robbins of Graves county was employed by the Board of

Sinking Fund Commissioners, through Governor John Young Brown, to represent the Commonwealth of Kentucky, as an attorney in the two actions of the Commonwealth of Kentucky against Frankfort Manufacturing Company, and the Mason-Foard Company, pending in the Franklin Circuit Court; and,

Whereas, Pursuant to said employment, the said J. E. Robbins rendered valuable services for the Commonwealth in the preparation and trial of said actions; and,

Whereas, The present Governor claims that the amount of the fee to be charged for such services, should, under the Statute, have been agreed upon at the time of employment, but it was not done, and the Governor recommends the passage of this act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor of this Commonwealth, be and he is hereby authorized to fix and allow reasonable fees to said J. E. Robbins for his services as an attorney for the State, in the actions of the Commonwealth of Kentucky against the Frankfort Manufacturing Company and the Mason-Foard Company, in the Franklin Circuit Court, and when the amount of said fee shall be fixed by the Governor, the Auditor of Public Accounts is authorized and directed to draw his warrant in favor of J. E. Robbins, for said amount on the Treasurer in payment therefor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz :

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	V. Perkins,
Bruce Adkins,	Anderson Hatfield,	A. B. Pieratt,
B. W. Bradburn,	J. A. Ingram,	L. C. Rawlings,
A. C. Brown,	J. P. Jeffries,	W. H. Ragland,
J. L. Brown,	Joseph F. Laufer,	E. H. Read

Geo. H. Bishop,	John M. Letterle,	J. S. Robey,
A. Bertram,	J. M. Lee,	S. Atwood Smith,
W. H. Cole,	J. R. Mallory,	G. Weissinger Smith,
Reuben Conner,	Reuben Morris,	F. G. Shepherd,
A. H. Charlton,	J. J. Marquette,	J. A. Small,
T. W. Clark,	W. J. Mears,	Andrew Sargent,
W. T. Chilton,	R. C. Myers,	O. P. Searcy,
W. H. Cooke,	Noah Marsee,	Miles Spurlock,
J. E. Cahill,	John M. Moore,	Waller Sharp,
J. Morgan Chinn,	W. H. McKee,	G. B. Stout,
John Collins,	J. H. Minor,	Frank M. Tracy,
J. B. Depp,	W. A. Morris,	South Trimble,
W. C. Holland,	J. Mc. Meloan,	L. E. Weatherford,
C. W. Haverly,	M. F. North,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	C. B. Wheeler,
James M. Hall,	Michael O'Sullivan,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.	E. Petty,	David Woods.
W. B. Henderson,	W. C. Pike,	J. H. Williams—72.

Those who voted in the negative were:

Claude Desha,	F. May,	A. J. Thompson,
W. W. Gill,	Chas. Aaron Nelson,	H. S. Vanzant,
J. A. Humphreys,	B. F. Saunders,	J. D. Wills—10.
J. H. Lackey,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House then took from the orders of the day.

H. B. 293. An act to amend an act entitled, "An act concerning liens," approved February 25, 1893, by adding thereto section 4a.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act concerning liens," approved February 25, 1893, be, and the same is hereby amended by adding thereto section 4a, which reads as follows:

"Sec. 4a. If the labor performed or to be performed or materials furnished, or to be furnished, be not under a contract with the owner but under a contract with a contractor or subcontractor, no lien shall attach for the same unless notice in writing be given to the owner stating that a lien will be claimed and the full amount claimed or to be claimed.

"If at the time of receiving the notice the owner is indebted or if he thereafter becomes indebted to the contractor or subcontractor, then to the extent of the whole of such indebtedness the lien shall exist. If the owner shall receive more than one such notice, and the whole such indebtedness is not sufficient to pay all the claimants, the claim shall be paid pro rata.

"After any such notice or notices, the owner shall withhold further payments to the contractor or subcontractor or those claiming under them till the claimant or claimants shall give the owner written release, or until ordered to do so by a court of competent jurisdiction.

"No lien shall exist in favor of such person in case the contractor himself is not entitled to a lien."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	L. C. Rawlings,
B. W. Bradburn,	J. P. Jefferies,	W. H. Ragland,
George H. Bishop,	Joseph F. Laufer,	E. H. Read,
A. Bertram,	John M. Letterle,	J. S. Robey,
W. H. Cole,	J. M. Lee,	S. Atwood Smith,
Reuben Conner,	J. R. Mallory,	G. Weissinger Smith,

A. H. Charlton,	Reuben Morris,	F. G. Shepherd,
T. W. Clark,	J. R. Mount,	J. A. Small,
W. T. Chilton,	J. J. Marquette,	Andrew Sargent,
W. H. Cooke,	W. J. Mears,	O. P. Searcy,
J. E. Cahill,	R. C. Myers,	Miles Spurlock,
J. Morgan Chinn,	Noah Marsee,	Waller Sharp,
Claude Desha,	W. H. McKee,	G. B. Stout,
J. B. Depp,	J. H. Minor,	Ham. Shehan,
W. C. Holland,	W. A. Morris,	B. F. Saunders,
C. W. Haverly,	J. Mc. Meloan,	A. J. Thompson,
J. S. Hood,	M. F. North,	Frank M. Tracy,
J. A. Humphreys,	Chas. Aaron Nelson,	H. S. Vanzant,
W. C. G. Hobbs,	Chas. F. Ogden,	L. E. Weatherford,
John T. Hinton,	Michael O'Sullivan,	C. A. Wilson,
J. P. Haswell, Jr.,	E. Petty,	R. E. Watkins,
W. B. Henderson,	W. C. Pike,	David Woods,
G. W. Hickman,	V. Perkins,	J. D. Wills,
Anderson Hatfield,	A. B. Pieratt,	J. H. Williams—72.

Those who voted in the negative were:

Bruce Adkins, J. L. Brown—2.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 269. An act to repeal parts of an act entitled, "An act relating to revenues."

Mr. Desha moved a substitute for said bill.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:



Section 1. That article 5 of chapter 103 of session acts of 1891-2-3, being an act entitled, "An act relating to revenue and taxation," which became a law without approval of the Governor November 11, 1892, except section 5. of said article, be and the same is hereby repealed and said section amended so that said article 5 shall read as follows, viz:

"Any person or corporation having the custody of distilled spirits on the fifteenth day of September in the year assessment is made, shall be liable for all taxes thereon together with all interest and penalties that may accrue; and any warehouseman or custodian of such spirits who shall pay the taxes, interest and penalties on such spirits, shall have a lien thereon for the amount so paid with legal interest from the day of payment; Provided, That all taxes, State and local, heretofore levied in any year or years upon distilled spirits which have been assessed agreeably to said article 5 shall, when this act takes effect, be due as taxes for the same year or years upon other personal property, and may be recovered by action in any court of competent jurisdiction."

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	W. C. Pike,
Bruce Adkins,	J. P. Haswell, Jr.,	V. Perkins,
B. W. Bradburn,	W. B. Henderson,	A. B. Pieratt,
J. L. Brown,	G. W. Hickman,	L. C. Rawlings,
George H. Bishop,	Anderson Hatfield,	R. E. Richardson,
A. Bertram,	J. A. Ingram,	J. S. Robey,
W. H. Cole,	J. H. Lackey,	S. Atwood Smith,
Reuben Conner,	Joseph F. Laufer,	G. Weissinger Smith,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
T. W. Clark,	J. M. Lee,	J. A. Small,

W. T. Chilton,	J. R. Mallory,	Andrew Sargent,
W. H. Cooke,	J. R. Mount,	O. P. Searcy
J. E. Cahill,	J. J. Marquette,	Miles Spurlock,
J. Morgan Chinn,	W. J. Mears,	G. B. Stout,
John Collins,	W. H. McKee,	Ham. Shehan,
A. S. Denton,	J. H. Minor,	B. F. Saunders,
Claude Desha,	W. A. Morris,	A. J. Thompson,
J. B. Depp,	M. F. North,	Frank M. Tracy,
W. W. Gill,	Chas. Aaron Nelson,	C. B. Wheeler,
W. C. Holland,	Emmett Orr,	R. E. Watkins,
C. W. Haverly,	Michael O'Sullivan,	R. C. Walker,
J. A. Humphreys,	L. J. Owen,	David Woods
W. C. G. Hobbs,	E. Petty,	J. H. Williams—70.
James M. Hall,		

Those who voted in the negative were:

J. S. Hood,	Noah Marsee,	Chas. F. Ogden,
J. P. Jeffries,	F. May,	H. S. Vanzant—7.
R. C. Myers,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The hour of 1:30 o'clock P. M. having arrived the House took a recess until 3 o'clock P. M.

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#### AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Speaker Beckham in the chair.

The House took from the orders of the day:

H. B. 186. An act to amend section 1853, of article 2, of chapter 52 of Kentucky Statutes, entitled, "Fiscal courts."

With a substitute proposed therefor by the committee.

Said substitute was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows,  
viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

That section 1853 of article 2 of chapter 52 of the Kentucky Statutes and entitled, "Fiscal courts," be amended and re-enacted as to read as follows:

"Section 1853. It shall be the duty of the fiscal court of said counties respectively to levy an annual tax on each one hundred dollars' worth of property in the county assessed for State and county purposes in the year for which the levy is made sufficient to pay the interest due each year on said bonds, and to create a sinking fund for their payment at or before maturity as hereinbefore provided. Said tax shall be collected by the officer whose duty it is to collect State and county revenue at the time and in the manner provided for the collection thereof, and he shall receive the same compensation allowed by law for the collection of county revenue: Provided, The fiscal court shall have power to employ some person other than the aboved named officer for a less sum than is paid said officer, which other person shall after taking the oath required of the regular officer and giving good and sufficient bond, have the same power and be under the same restrictions in the collection of said taxes, as would the above named officer. The officer collecting such tax shall be liable on his bond for a failure to discharge any duty required by this act and shall be subject to the same penalty for failing to collect said tax at the time the State tax is due and collected that he would be for failure to collect the State tax when due, to be

imposed in the same manner. An emergency is hereby declared to exist, and this act shall take effect from its passage."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	Michael O'Sullivan,
T. H. Armstrong,	W. B. Henderson,	E. Petty,
B. W. Bradburn,	G. W. Hickman,	V. Perkins,
A. C. Brown,	J. P. Jeffries,	W. H. Ragland,
George H. Bishop,	J. H. Lackey,	E. H. Read,
T. W. Clark,	Joseph F. Laufer,	G. Weissinger Smith,
W. T. Chilton,	J. R. Mallory,	Andrew Sargent,
W. H. Cooke,	J. R. Mount,	B. F. Saunders,
J. Morgan Chinn,	Noah Marsee,	A. J. Thompson,
Claude Desha,	J. H. Minor,	Frank M. Tracy,
W. C. Holland,	M. F. North,	H. S. Vanzant—35.
John T. Hinton,	Chas. F. Ogden,	

Those who voted in the negative were:

Bruce Adkins,	John M. Letterle,	S. Atwood Smith,
J. L. Brown,	J. M. Lee,	F. G. Shepherd,
W. H. Cole,	J. J. Marquette,	J. A. Small,
Reuben Conner,	W. J. Mears,	W. T. Sharp,
A. H. Charlton,	John M. Moore,	O. P. Searcy,
W. W. Combs,	W. H. McKee,	Miles Spurlock,
John Collins,	F. May,	G. B. Stout,
A. S. Denton,	W. A. Morris,	Ham. Shehan,
M. T. Freeman,	Chas. Aaron Nelson,	C. A. Wilson,
W. W. Gill,	W. C. Pike,	C. B. Wheeler,
C. W. Haverly,	A. B. Pieratt,	R. E. Watkins,
J. A. Humphreys,	L. C. Rawlings,	R. C. Walker,
W. C. G. Hobbs,	R. E. Richardson,	David Woods,
J. H. Hall,	J. S. Robey,	Jas. H. Williams—43.
Anderson Hatfield,		

So said bill was rejected.

Mr. Pike moved to reconsider the vote by which said bill was rejected and moved to lay that motion on the table.

Said last named motion was adopted.

A message was received from the Senate announcing that they had refused to recede from an amendment proposed by the Senate to:

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

And asked for a Committee of Conference upon the part of the House to confer with a like committee on the part of the Senate.

The chair appointed as said committee Messrs. G. W. Smith, Hickman and Desha.

Mr. Letterle, of the Committee of Enrollments, reported that the committee had examined an enrolled bill which originated in the House of Representatives, of the following title, viz:

H. B. 102. An act to repeal sections 5, 6 and 7 of an act entitled, "An act to prevent lynching and injury to and destruction of real and personal property in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions," approved May 20, 1897.

And had found the same correctly enrolled.

Said bill was then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and it was delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

A message was received from the Senate announcing that they had passed bills which originated in the House, of the following titles, viz:

H. B. 219. An act abolishing the office of ordnance sergeant and janitor of the Court of Appeals; providing for a custodian of public buildings for the Capitol, its wings, the State arsenal and the Governor's mansion and grounds thereof, defining his duties and fixing his salary.

H. B. 87. An act to amend section 28 of article 6 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," relating to city jailers.

With amendments proposed thereto by the Senate.

The House took from the clerk's desk said last named bill.

The amendment proposed by the Senate thereto was concurred in by the House.

Said bill as amended was then passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M.-Abele,	J. M. Lee,	E. H. Read,
Bruce Adkins,	J. R. Mallory,	J. S. Robey,
B. W. Bradburn,	J. R. Mount,	S. Atwood Smith,
George H. Bishop,	W. J. Mears,	G. Weissinger Smith,
A. Bertram,	W. H. McKee,	F. G. Shepherd,
W. H. Cole,	W. A. Morris,	J. A. Small,
Rueben Conner,	J. Mc. Meloan,	O. P. Searcy,
A. H. Charlton,	M. F. North,	Miles Spurlock,
T. W. Clark,	Chas. Aaron Nelson,	B. F. Saunders,
W. H. Cooke,	Emmett Orr,	A. J. Thompson,
J. Morgan Chinn,	Michael O'Sullivan,	Frank M. Tracy,
A. S. Denton,	E. Petty,	H. S. Vanzant,
J. S. Hood,	W. C. Pike,	C. A. Wilson,

J. A. Humphreys,	V. Perkins,	C. B. Wheeler,
John T. Hinton,	A. B. Pieratt,	R. E. Watkins,
W. B. Henderson,	L. C. Rawlings,	R. C. Walker,
G. W. Hickman,	W. H. Ragland,	David Woods,
Joseph F. Laufer,	R. E. Richardson,	J. H. Williams—55.
John M. Letterle,		

Those who voted in the negative were:

Claude Desha,	J. P. Jeffries,	Noah Marsee,
J. P. Haswell, Jr.,	Reuben Morris,	Andrew Sargent—6.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been referred, reported bills as follows:

H. B. 299. An act to amend an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein."

H. B. 328. An act to require grantors of real estate to refer to all conveyances to deed and persons or corporations or firm from whom title was acquired.

S. B. 80. An act to amend and re-enact section 3, chapter 26, acts 1891-2-3, entitled, "An act to authorize the courts of claims or levy or fiscal courts of the counties of their Commonwealth to levy and collect a poll and ad valorem tax for county purposes, and declaring an emergency," approved April 18, 1892, now being section 1884, chapter 52, of Kentucky Statutes.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The questions being taken on ordering said bills to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

Mr. Bradburn, from the Committee on Kentucky Statutes, to which the same had been referred, reported:

H. B. 454. An act to repeal an act entitled, "An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawsville," approved March 28, 1873.

Said bill was read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. S. Atwood Smith, from the Committee on Municipalities, to which the same had been referred, reported bills as follows, viz :

H. B. 29. An act to amend an act entitled, "An act for the government of first-class cities."

H. B. 367. An act to repeal the charter of the town of Bethlehem, in Henry county.

H. B. 434. An act to provide for county police in certain counties.

H. B. 211. An act to repeal an act entitled, "An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of seventy-five thousand or more," which act was approved on June 15, 1893.

H. B. 356. An act to amend an act approved July 1, 1893, entitled, "An act for the government of cities of the first class."

Which bills were severally read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

And then the House adjourned.



WEDNESDAY, MARCH 2, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Haswell moved to reconsider the vote by which the House ordered to its second reading:

S. B. 194. An act changing the boundaries of the Third and Eleventh Congressional Districts.

The Speaker declared said motion out of order.

Mr. G. Weissinger Smith, from the Committee on Court of Appeals, to which the same had been referred, reported:

H. B. 295. An act to amend and re-enact an act entitled, "An act concerning circuit courts having four judges," approved August 22, 1892.

Said bill was read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

A message was received from the Senate announcing that they had concurred in an amendment proposed by the House to:

S. B. 102. An act to amend and re-enact an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court district.

That they had passed.

H. B. 122. An act to amend an act entitled, "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

That they had passed bills and resolutions which originated in the Senate of the following titles, viz:

1. S. B. 176. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.
2. S. B. 107. An act concerning the assessment and valuation for taxation of corporate franchise and intangible property by cities of the first and second class.
3. S. B. 143. An act to amend and re-enact sections 4308 and 4310 Kentucky Statutes, and same being sections 22 and 24 of section acts of 1894, entitled, "An act to amend chapter 232 of the acts of 1891-2-3, entitled, 'An act relating to roads and passways.'"
4. S. B. 201. An act relating to the appointment of police matrons in cities of the first class in this State.
5. S. Res. 13. Resolution providing for fitting up and furnishing rooms for the use of the State library.
6. S. Res. 10. Resolution providing for the payment of certain idiot claims.

Ordered that said bills and resolutions be referred: The first to the Committee on Corporate Institutions, the second to the Committee on Court of Appeals, the third to the Committee on Internal Improvements, the fourth to the Committee on Municipalities, the fifth the Committee on Public Offices and Library, and the sixth to the Committee on Claims.

The House took from the clerk's desk a resolution heretofore moved by Mr. A. C. Brown in relation to Cuba.

Said resolution was adopted.

Mr. Sargent moved that the Committee on Kentucky Statutes, to which the same had been referred, report.:

H. B. 332. An act to allow the children of slave marriages to inherit the property of their fathers and mothers.

Said motion was adopted.

Mr. Bradburn reported said bill with the expression of opinion that it should not pass.

Said bill was read in full the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary, notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed on the calendar and read the second time on some other day.

Mr. Reuben Morris withdrew the motion heretofore entered by him to reconsider the vote by which the House referred to the Committee on Public Morals:

S. B. 25. An act to amend sections 1, 4, 7, 8 and 10 of an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

Mr. Haswell moved to reconsider the vote by which said bill was referred, and moved to lay that motion on the table.

Said last named motion was rejected.

The yeas and nays being demanded thereon by Messrs. Williams and Haswell, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Haswell, Jr.,	J. H. Minor,
J. L. Brown,	W. B. Henderson,	W. A. Morris,
W. H. Cole,	G. W. Hickman,	E. Petty,
Reuben Conner,	J. A. Ingram,	W. C. Pike,
W. H. Cooke,	J. P. Jeffries,	A. B. Pieratt,
J. C. Cantrill,	R. C. Jarnagin,	E. H. Read,
J. E. Cahill,	J. H. Lackey,	J. S. Robey,
J. B. Depp,	J. M. Lee,	Miles Spurlock,
M. T. Freeman,	J. R. Mount,	G. B. Stout,
W. W. Gill,	J. J. Marquette,	B. F. Saunders,
W. C. Holland,	W. J. Mears,	R. C. Walker,

J. S. Hood,	Noah Marsee,	David Woods,
James M. Hall,	John M. Moore,	Jas. H. Williams—41.
J. H. Hall,		

Those who voted in the negative were:

M. Abele,	John M. Letterle,	S. Atwood Smith,
T. H. Armstrong,	J. R. Mallory,	G. Weissinger Smith,
B. W. Bradburn,	J. D. Mocquot,	F. G. Shepherd,
A. C. Brown,	Reuben Morris,	J. A. Small,
George H. Bishop,	R. C. Myers,	Andrew Sargent,
A. H. Charlton,	W. H. McKee,	O. P. Searcy,
W. W. Combs,	F. May,	Waller Sharp,
T. W. Clark,	M. F. North,	A. J. Thompson,
J. Morgan Chinn,	Chas. Aaron Nelson,	Frank M. Tracy,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Chas. F. Ogden,	H. S. Vanzant,
C. W. Haverly,	Michael O'Sullivan,	C. A. Wilson,
J. A. Humphreys,	L. C. Rawlings,	R. E. Watkins,
W. C. G. Hobbs,	W. H. Ragland,	J. D. Wills—43.
Joseph F. Laufer,		

Said first named motion was then rejected.

The yeas and nays being demanded thereon by Messrs. Williams and Haswell were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. R. Mallory,	G. Weissinger Smith,
T. H. Armstrong,	J. D. Mocquot,	F. G. Shepherd,
B. W. Bradburn,	R. C. Myers,	J. A. Small,
A. C. Brown,	W. H. McKee,	Andrew Sargent,
George H. Bishop,	F. May,	W. T. Sharp,
A. H. Charlton,	Chas. Aaron Nelson,	Waller Sharp,
W. W. Combs,	Emmett Orr,	A. J. Thompson,
J. Morgan Chinn,	Chas. F. Ogden,	Frank M. Tracy,
A. S. Denton,	Michael O'Sullivan,	George Traver,

Claude Desha,	V. Perkins,	H. S. Vanzant,
J. A. Humphreys,	L. C. Rawlings,	C. A. Wilson,
W. C. G. Hobbs,	W. H. Ragland,	R. E. Watkins,
Joseph F. Laufer,	S. Atwood Smith,	J. D. Wills—40.
John M. Letterle,		

Those who voted in the negative were:

Bruce Adkins,	J. H. Hall,	W. A. Morris,
J. L. Brown,	J. P. Haswell, Jr.,	M. F. North,
W. H. Cole,	W. B. Henderson,	E. Petty,
Reuben Conner,	G. W. Hickman,	W. C. Pike,
T. W. Clark,	J. A. Ingram,	A. B. Pieratt,
W. T. Chilton,	J. P. Jeffries,	E. H. Read,
W. H. Cooke,	R. C. Jarnagin,	J. S. Robey,
J. C. Cantrill,	J. H. Lackey,	O. P. Searcy,
J. E. Cahill,	J. M. Lee,	Miles Spurlock,
John Collins,	Reuben Morris,	G. B. Stout,
J. B. Depp,	J. R. Mount,	B. F. Saunders,
M. T. Freeman,	J. J. Marquette,	C. B. Wheeler,
W. W. Gill,	W. J. Mears,	R. C. Walker,
C. W. Haverly,	Noah Marsee,	David Woods,
J. S. Hood,	J. H. Minor,	Jas. H. Williams—46.
James M. Hall,		

Ordered that said bill be referred to the Committee on Public Morals.

Mr. S. Atwood Smith, from the Committee on Municipalities, to which the same had been referred, reported bills as follows, viz:

H. B. 363. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 463. An act relating to the appointment of police matrons in cities of the first class in this State.

S. B. 56. An act to amend and re-enact an act approved March 19, 1894, for governing cities of the second class.

Said bills were severally read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. S. Atwood Smith, from the Committee on Municipalities, to which the same had been recommitted, reported:

H. B. 51. An act to amend section 1697 of Kentucky Statutes, entitled "An act exempting personal property of persons with a family residing in this Commonwealth."

Without an expression of opinion.

Said bill was read the third time and rejected as follows. viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 1697 of Kentucky Statutes be and it is hereby amended so as to read:

"Sec. 1696. The following property of persons with a family resident in this Commonwealth, shall be exempt from execution, attachment, distress or fee bill, namely:

"Two work beasts; or one work beast and one yoke of oxen; two plows and gear; one wagon and set of gear, or cart or dray; two axes, three hoes, one spade, one shovel; two cows and calves; beds, bedding and furniture sufficient for family use; one loom and spinning wheel and pair of cards; all the spun yarn and manufactured cloth by the family and necessary for family use; carpeting for all family rooms in use; one table; all books not to exceed fifty dollars in value; two saddles and their appendages; two bridles; six chairs or so many as shall not exceed ten dollars in value; one cradle; all the poultry on hand; ten head of sheep not to exceed twenty five dollars in value; all wearing apparel; sufficient provisions, including bread stuff and animal food to sustain the family for one year; provender suitable for live stock if there be any such

stock, such provender not to exceed seventy dollars in value; and if such provender be not on hand such other property as shall not exceed such sum in value; all washing apparatus not to exceed fifty dollars in value; one sewing machine, and all family portraits and pictures; one cooking stove and appendages and other cooking utensils, not to exceed in value twenty-five dollars."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	C. W. Haverly,	Michael O'Sullivan,
T. H. Armstrong,	J. A. Ingram,	W. C. Pike,
J. L. Brown,	Joseph F. Laufer,	E. H. Read,
A. H. Charlton,	Reuben Morris,	G. Weissinger Smith,
W. W. Combs,	W. J. Mears,	J. A. Small,
W. T. Chilton,	Noah Marsee,	Andrew Sargent,
J. E. Cahill,	F. May,	Frank M. Tracy,
M. T. Freeman,	J. H. Minor,	R. E. Watkins,
W. W. Gill,	M. F. North,	David Woods—27.

Those who voted in the negative were:

Bruce Adkins,	G. W. Hickman,	L. C. Rawlings,
B. W. Bradburn,	J. P. Jeffries,	W. H. Ragland,
W. H. Cole,	J. H. Lackey,	J. S. Robey,
Reuben Conner,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	J. R. Mallory,	W. T. Sharp,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. C. Cantrill,	J. J. Marquette,	Miles Spurlock,
J. Morgan Chinn,	R. C. Myers,	G. B. Stout,
A. S. Denton,	John M. Moore,	B. F. Saunders,
Claude Desha,	W. H. McKee,	A. J. Thompson,
J. B. Depp,	W. A. Morris,	H. S. Vanzant,
W. C. Holland,	J. Mc. Meloan,	L. E. Weatherford,
J. S. Hood,	Chas. Aaron Nelson,	C. A. Wilson,

J. A. Humphreys,	Emmett Orr,	C. B. Wheeler,
W. C. G. Hobbs,	Chas. F. Ogden,	R. C. Walker,
J. H. Hall,	E. Petty,	J. D. Wills,
John T. Hinton,	A. B. Pieratt,	Jas. H. Williams-52.
J. P. Haswell, Jr.,		

So said bill was rejected.

The House took from the orders of the day:

S. B. 194. An act changing the boundaries of the Third and Eleventh Congressional Districts.

Mr. Myers moved to lay said bill on the table.

Said motion was rejected.

Mr. Vanzant moved that the House do now adjourn.

Said motion was rejected

Mr. Bradburn moved the previous question.

Said motion was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the counties of Cumberland and Monroe be and they are hereby taken from the Third Congressional District and added to, included in and made a part of the Eleventh Congressional District and that the county of Metcalfe be and is hereby taken from the Eleventh Congressional District and added to, included in and made a part of the Third Congressional District and all laws in conflict with the provisions of this act are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	A. B. Pieratt,
Bruce Adkins,	G. W. Hickman,	L. C. Rawlings,



T. H. Armstrong,	J. H. Lackey,	W. H. Ragland,
B. W. Bradburn,	Joseph F. Laufer,	J. S. Robey,
J. L. Brown,	John M. Letterle,	S. Atwood Smith,
George H. Bishop,	J. M. Lee,	F. G. Shepherd,
Reuben Conner,	J. R. Mallory,	J. A. Small,
A. H. Charlton,	J. D. Mocquot,	O. P. Searcy,
W. W. Combs,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	J. J. Marquette,	Waller Sharp,
W. T. Chilton,	W. J. Mears,	G. B. Stout,
W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. C. Cantrill,	W. H. McKee,	A. J. Thompson,
J. E. Cahill,	W. A. Morris,	Frank M. Tracy,
J. Morgan Chinn,	J. Mc. Meloan,	George Traver,
A. S. Denton,	M. F. North,	L. E. Weatherford,
Claude Desha,	Chas. Aaron Nelson,	C. A. Wilson,
J. B. Depp,	Emmett Orr,	R. E. Watkins,
W. W. Gill,	Michael O'Sullivan,	R. C. Walker,
W. C. Holland,	E. Petty,	J. D. Wills,
J. A. Humphreys,	W. C. Pike,	Jas. H. Williams—65.
W. C. G. Hobbs,	V. Perkins,	

Those who voted in the negative were:

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	R. C. Jarnagin,	G. Weissinger Smith,
C. W. Haverly,	Reuben Morris,	Andrew Sargent,
J. S. Hood,	R. C. Myers,	W. T. Sharp,
James M. Hall,	Noah Marsee,	H. S. Vanzant,
J. H. Hall,	F. May,	C. B. Wheeler,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods—24.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Bradburn moved to reconsider the vote by which said bill was passed and moved to lay that motion on the table.

Said last named motion was adopted.

Mr. Meloan, from the Committee on Railroads and Commerce, to which the same had been referred, reported:

H. B. 375. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any connecting carrier, goods or freights at less freight charges than it charges or receives from other common carriers or persons for same, or like services, and to prevent such railroad corporations or common carrier companies from delivering goods or freight to any connecting carrier in violation of the orders and direction of owners and consignees, and prescribing penalties therefor.

Without an expression of opinion.

Said bill was read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

The House took from the clerk's desk.

H. B. 219. An act abolishing the offices of ordnance sergeant and janitor of the Court of Appeals, providing for a custodian of public buildings for the Capitol, its wings, the State arsenal and the Governor's mansion and grounds thereof, defining his duties and fixing his salary.

With an amendment proposed thereto by the Senate.

Said amendment was agreed to.

The yeas and nays being demanded thereon by Messrs. Haswell and Vanzant, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. C. G. Hobbs,	A. B. Pieratt,
Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	John M. Letterle,	R. E. Richardson,
J. L. Brown,	J. M. Lee,	J. S. Robey,
George H. Bishop,	J. R. Mallory,	S. Atwood Smith.

Reuben Conner,	J. R. Mount,	G. Weissinger Smith,
A. H. Charlton,	J. J. Marquette,	F. G. Shepherd,
W. W. Combs,	W. J. Mears,	J. A. Small,
T. W. Clark,	John M. Moore,	O. P. Searcy,
W. T. Chilton,	W. H. McKee,	Miles Spurlock,
W. H. Cooke,	W. A. Morris,	Waller Sharp,
J. C. Cantrill,	J. Mc. Meloan,	G. B. Stout,
J. E. Cahill,	M. F. North,	B. F. Saunders,
J. Morgan Chinn,	Chas. Aaron Nelson,	A. J. Thompson,
A. S. Denton,	Emmett Orr,	L. E. Weatherford,
Claude Desha,	Michael O'Sullivan,	C. A. Wilson,
J. B. Depp,	E. Petty,	R. E. Watkins,
W. W. Gill,	W. C. Pike,	R. C. Walker,
W. C. Holland,	V. Perkins,	Jas. H. Williams-61.
J. A. Humphreys,		

Those who voted in the negative were:

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
M. T. Freeman,	J. P. Jeffries,	E. H. Read,
C. W. Haverly,	R. C. Jarnagin,	Andrew Sargent,
J. S. Hood,	Reuben Morris,	W. T. Sharp,
James M. Hall,	R. C. Myers,	H. S. Vanzant,
J. H. Hall,	F. May,	David Woods-20.
J. P. Haswell, Jr.,	J. H. Minor,	

Said bill as amended was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Humphreys,	A. B. Pieratt,
Bruce Adkins,	W. C. G. Hobbs,	L. C. Rawlings,
T. H. Armstrong,	W. B. Henderson,	W. H. Ragland,
B. W. Bradburn,	G. W. Hickman,	J. S. Robey,
A. C. Brown,	John M. Letterle,	S. Atwood Smith,

J. L. Brown,	J. M. Lee,	G. Weissinger Smith,
George H. Bishop,	J. R. Mallory,	F. G. Shepherd.
Reuben Conner,	J. R. Mount,	J. A. Small,
A. H. Charlton,	J. J. Marquette,	O. P. Searcy,
W. W. Combs,	W. J. Mears,	Miles Spurlock,
T. W. Clark,	John M. Moore,	Waller Sharp,
W. T. Chilton,	W. H. McKee,	G. B. Stout,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	George Traver,
J. Morgan Chinn,	Chas. Aaron Nelson,	L. E. Weatherford,
A. S. Denton,	Emmett Orr,	C. A. Wilson,
Claude Desha,	Michael O'Sullivan,	R. E. Watkins,
J. B. Depp,	E. Petty,	R. C. Walker,
W. W. Gill,	W. C. Pike,	Jas. H. Williams-61.
W. C. Holland,		

Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
C. W. Haverly,	R. C. Jarnagin,	E. H. Read,
J. S. Hood,	Reuben Morris,	Andrew Sargent,
James M. Hall,	R. C. Myers,	W. T. Sharp,
J. H. Hall,	Noah Marsee,	H. S. Vanzant,
J. P. Haswell, Jr.,	F. May,	David Woods-20.
J. A. Ingram,	J. H. Minor,	

Said bill reads as follows, viz:

In Senate, February 28, 1898.

Resolved, That H. B. 219 do pass with the following amendment as a substitute therefor, viz:

An act providing for a custodian of public buildings for the Capitol, its wings, and the Governor's mansion and grounds thereof, defining his duties and fixing his salary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a custodian for public buildings for the Capitol building and its wings, and the Governor's mansion, shall be elected by the judges of the Court of Appeals as soon as this act shall go into effect, who shall hold his office for the term of four years and until his successor is elected and qualified.

Sec. 2. It shall be the duty of the custodian of public buildings to take full charge of the public buildings named in this act and the grounds thereof, and to have same kept in perfect repair and in a clean and presentable condition.

He shall employ the porters and such other labor as is necessary to accomplish this, and shall fix their salaries and shall see that they discharge their duties; Provided, That the total amount expended for such services, including the salary of the custodian, shall not exceed two thousand five hundred dollars for each year. He shall, at the end of each month, make out a pay-roll, giving the names of the laborers, porters or others employed by him, the length of time they worked and the compensation to which they are entitled, and shall file same with the Auditor, and upon this the Auditor shall draw his warrant for the amount due each such employee.

Sec. 3. The custodian shall contract for all the lights and fuel used in the buildings over which he has supervision, for the water used therein and upon the grounds.

He shall have charge of the furniture and fixtures of all the offices, see that they are kept in repair, and upon the order of the head of a department and approval of the Governor, if such shall be necessary, shall purchase such new furniture or fixtures as may be necessary for the full discharge of their official duties. He shall with consent of the Governor dispose of all old, disused, discarded furniture or fixtures to the best advantage possible, and shall turn over the receipts therefor to the Auditor of Public Accounts, stating what said receipts were for, and taking the Auditor's receipt for same.

Sec. 4. The custodian shall keep a complete set of books wherein he shall keep a record of all expenditures authorized

by him, charging each department with the amount of expenditures incurred therefor. he shall also keep a record of the amounts authorized to be paid by him, the person to whom said amount was paid, and the purpose for which it was paid. All amounts paid out for repairs of any kind upon the buildings shall be charged to the account of public buildings.

Sec. 5. He shall annually report to the Court of Appeals the amount total he has authorized to be spent, to whom it is chargeable, and for what expended, and every two years he shall make a similar report to the Legislature.

Sec. 6. He shall receive for his compensation the sum of twelve hundred dollars per year, payable monthly, and at the end of each month the Auditor shall draw his warrant in his favor for the amount due for that month. He shall give bond to the Commonwealth of Kentucky in the sum of five thousand dollars for the faithful discharge of his duties, which bond shall be approved by the Chief Justice of the Court of Appeals and two other judges.

Sec. 7. He shall have charge and supervision of all the janitors and porters of the Court of Appeals. And all acts or parts of acts in conflict with any of the provisions of this act, are hereby repealed.

H. B. 219. An act abolishing the offices of ordnance sergeant and janitor of the Court of Appeals providing for a custodian of public buildings for the Capital, its wings, the State arsenal and the Governor's mansion, and grounds thereof, defining his duties and fixing his salary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A custodian of public buildings for the Capitol building and its wings, the State arsenal, and the Governor's mansion, shall be elected by the judges of the Court of Appeals as soon as this act shall go into effect, who shall hold his office for the term of four years and until his successor is elected and qualified.

Sec. 2. It shall be the duty of the custodian of public buildings to take full charge of the public buildings named in this act and the grounds thereof and to have same kept in perfect repair and in a clean and presentable condition. He shall employ the porters, janitors and such other labor as is necessary to accomplish this, and shall fix their salaries, and shall see that they discharge their duties. He shall, at the end of each month, make out a pay-roll, giving names of the laborers, porters or others employed by him, the length of time they worked and the compensation to which they are entitled, and shall file same with the Auditor, and upon this the Auditor shall draw his warrant for the amount due each such employee.

Sec. 3. The custodian shall contract for all the lights and fuel used in the buildings over which he has supervision, for the water used therein and upon the grounds.

He shall have charge of the furniture and fixtures of all the offices, see that they are kept in repair, and upon the order of the head of a department, if such shall be necessary, shall purchase such new furniture or fixtures as may be necessary for the full discharge of their official duties. He shall dispose of all old, disused and discarded furniture or fixtures to the best advantage possible, and shall turn over the receipts therefor to the Auditor of Public Accounts, stating what said receipts were for, and taking the Auditor's receipt for same.

Sec. 4. The custodian shall keep a complete set of books, wherein he shall keep a record of all expenditures authorized by him, charging each department with the amounts of expenditures incurred therefor. He shall also keep a record of the amounts authorized to be paid by him, the person to whom said amount was paid and the purpose for which it was paid. All amounts paid out for repairs of any kind upon the buildings shall be charged to the account of public buildings.

Sec. 5. He shall annually report to the Court of Appeals the amount total he has authorized to be spent, to whom it is

chargeable and for what expended, and every two years he shall make a similar report to the Legislature.

Sec. 6. He shall receive for his compensation the sum of twelve hundred dollars per year, payable monthly, and at the end of each month the Auditor shall draw his warrant in his favor for the amount due for that month. He shall give bond to the Commonwealth of Kentucky in the sum of five thousand dollars for the faithful discharge of his duties, which bond shall be approved by the Chief Justice of the Court of Appeals and two other judges.

Sec. 7. He shall have charge of the State arsenal and supervision of all the janitors and porters of the Court of Appeals, and the acts authorizing the employment of an ordinance sergeant and a janitor for the Court of Appeals, and all acts or parts of acts in conflict with any of the provisions of this act are hereby repealed. Because of the great saving to the State that this bill will entail an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Resolved, That said bill do pass and that the title be as follows, viz:

An act providing for a custodian of public buildings, for the Capitol, its wings, and the Governor's mansion and grounds thereof, defining his duties and fixing his salary.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate of the following title, viz:

S. B. 94. An act changing the boundaries of the Third and Eleventh Congressional District.

And had found the same correctly enrolled.

Said bill was then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.



After a short time Mr. Letterle reported that the committee had performed that duty.

The House took from the calendar bills of the following titles, viz:

H. B. 366. An act to amend an act entitled, "An act relating to revenue and taxation," which became a law without the approval of the Governor on November 11, 1892.

H. B. 286. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

H. B. 322. An act to amend an act entitled, "An act for the government of cities of the first class, approved July 1, 1893," approved March 23, 1894.

S. B. 28. An act to amend an act entitled, "An act to regulate and insure the assessment of property for taxation. and the payment of taxes thereon belonging to non-residents of counties in which the same is situated," approved March 19, 1894.

H. B. 285. And act to amend and re-enact section 19, of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, as amended by section 2, chapter 45, of session acts of 1894, the same being section 4147 of the Kentucky Statutes.

H. B. 91. An act to prevent the cheap sale of delinquent taxes, etc.

H. B. 197. An act to amend and re-enact section 4, article 5, of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892 and being section 4108 of Kentucky Statutes.

H. B. 284. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

H. B. 249. An act to amend an act entitled, "An act to fix the license on boats and water craft."

H. B. 321. An act to amend section 4250 of Kentucky Statutes, relating to revenue and taxation.

S. B. 156. An act to amend and re-enact sections 4, 6, and 8 of an act entitled, "An act relating to and providing for a Court of Appeals," approved June 17, 1893.

H. B. 419. An act changing the boundaries of the Third and Eleventh Congressional Districts.

Which bills were severally read the second time and placed in the orders of the day.

The House then took a recess until 3 o'clock P. M.

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#### AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Speaker Beckham in the chair.

Mr. S. Atwood Smith, from the Committee on Municipalities, to which the same had been referred, reported:

H. B. 164. An act to amend section 3251, Kentucky Statutes.

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. S. Atwood Smith, from the Committee on Municipalities, to which the same had been referred, reported bills as follows, viz:

H. B. 334. An act authorizing county judges of cities of the second class to employ transcript clerks.

H. B. 382. An act to regulate the running of street cars in cities of the second class.

H. B. 421. An act to amend and re-enact section 43 of an act entitled, "An act for the government of towns of the sixth class," approved May 6, 1893.

H. B. 290. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 386. An act to amend chapter 222 of the Revised Statutes, entitled, "An act for the government of cities of the third class," approved June 14, 1893.

H. B. 340. An act to amend article 11, section 43, of an act entitled, "An act for the government of towns of the sixth class," approved May 6, 1893, being section 3710, subdivision 9, article 1, chapter 89, of Kentucky Statutes.

H. B. 456. An act to provide a chief deputy and transfer clerk for the county assessor in counties where there is a city of the second class having a population of more than forty thousand.

H. B. 359. An act to amend section 11, of article 4, of an act entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

H. B. 358. An act to amend section 10, of article 4, of an act relating to cities of the fifth class, entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

H. B. 360. An act to amend section 27, article 4, of an act relating to cities of the fifth class, entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

H. B. 389. An act to amend an act entitled, "An act for the government of cities of the fourth class," which became a law June 28, 1893.

S. B. 141. An act to authorize cities of the second class to acquire parts of turnpike roads lying within the corporate limits of such cities.

S. B. 102. An act to amend and re-enact an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court district.

S. B. 16. An act to repeal subsection 8, of section 3490, of the Kentucky Statutes, and enact a substitute therefor.

H. B. 455. An act to amend an act entitled, "Municipal Corporations," article 3, cities of the second class, section 2143, which became a law March 19, 1894.

H. B. 448. An act to amend section 17, of article 7, of an act entitled, "An act for the government of cities of the sixth class."

H. B. 343. An act to amend an act approved July 1, 1893, incorporating towns of the sixth class in this Commonwealth.

H. B. 470. An act to amend and re-enact section 16, article 9, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, and being section 3227 of the Kentucky Statutes.

H. B. 226. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

S. B. 1. An act to provide for the setting apart, formation and disbursement of a police pension fund in cities with a population of one hundred thousand or more.

H. B. 213. An act to amend an act entitled, "An act for the government of cities of the first class," approved March 23, 1894, being section 8, of the law governing the police force of cities of the first class.

S. B. 20. An act to create a board of the firemen's pension fund, to provide and distribute such fund for the pensioning of disabled firemen and the wives and children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith, in cities having a population of fifty thousand inhabitants and a paid fire department.

S. B. 36. An act to amend section 1, of an act to amend an act entitled, "An act for the government of towns of the sixth class," approved March 19, 1894.

Which bills were severally read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. Geo. Weissinger Smith, from the Committee on Conference, reported as follows, viz:

To the House of Representatives:

Your committee, appointed to take into consideration with a like committee on the part of the Senate the differences between the two Houses of the General Assembly concerning House Bill No. 109, respectfully report that they have performed that duty, and that both said committees recommend that the House of Representatives concur in the Senate amendment to said bill.

GEO. WEISSINGER SMITH, Chairman,  
G. W. HICKMAN,  
CLAUDE DESHA.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	V. Perkins,
Bruce Adkins,	W. B. Henderson,	A. B. Pieratt,
B. W. Bradburn,	G. W. Hickman,	L. C. Rawlings,

J. L. Brown,	J. H. Lackey,	W. H. Ragland.
George H. Bishop,	Joseph F. Laufer,	J. S. Robey,
A. H. Charlton,	John M. Letterle,	S. Atwood Smith,
W. W. Combs,	J. M. Lee,	G. Weissinger Smith.
T. W. Clark,	J. R. Mallory,	F. G. Shepherd,
W. T. Chilton,	J. D. Mocquot,	J. A. Small,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. C. Cantrill,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	John M. Moore,	G. B. Stout,
J. Morgan Chinn,	W. H. McKee,	B. F. Saunders,
John Collins,	W. A. Morris,	A. J. Thompson,
A. S. Denton,	J. Mc. Meloan,	Frank M. Tracy,
Claude Desha,	M. F. North,	George Traver,
J. B. Depp,	Chas. Aaron Nelson,	L. E. Weatherford,
W. W. Gill,	Emmett Orr,	C. A. Wilson,
W. C. Holland,	Chas. F. Ogden,	R. E. Watkins,
J. A. Humphreys,	Michael O'Sullivan,	R. C. Walker,
W. C. G. Hobbs,	E. Petty,	Jas. H. Williams—63.

Those who voted in the negative were:

W. H. Cole,	R. C. Jarnagin,	J. H. Minor,
J. S. Hood,	Reuben Morris,	E. H. Read,
J. H. Hall,	W. J. Mears,	Andrew Sargent,
J. P. Haswell, Jr.,	R. C. Myers,	H. S. Vanzant,
J. A. Ingram,	Noah Marsee,	David Woods—17.
J. P. Jeffries,	F. May,	

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

A message was received from the Senate announcing that the Senate had refused to recede from an amendment proposed by the Senate to:

H. B. 115. An act to establish a uniform series of text books to be used in the public schools of this Commonwealth, and to reduce the price thereof.

And asked a conference committee on the part of the House to act with a like committee on the part of the Senate to consider the matters of differences between the two Houses.

Mr. Nelson moved that the Speaker appoint said committee.

Said motion was adopted.

Whereupon the Speaker appointed as said committee Messrs. Nelson, Moore and Ogden.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the House of Representatives, of the following title, viz:

H. B. 219. An act providing for a custodian of public buildings, for the Capitol, its wings, and the Governor's mansion and grounds thereof, defining his duties and fixing his salary.

And had found the same correctly enrolled.

Said bill was then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

And then the House adjourned.

## THURSDAY, MARCH 3, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the Chair.

The Journal of yesterday was approved.

Mr. Mears read and laid on the table the following resolution, viz:

Be it resolved by the House of Representatives: That on next Monday, March 7th, at 1 o'clock P. M., this House do adjourn sine die.

Mr. Charlton moved the adoption of the following resolution, viz:

Resolution relating to the commemoration of the centennial of the Irish revolution of 1798:

Whereas, That this is the centennial year of the heroic struggle for liberty of Ireland's heroes in 1798, and

Whereas, That many of the sons and daughters of that unhappy isle and their descendants, forming a great portion of the population not only of this Commonwealth, but of the entire Union, uniting with their kinsmen scattered abroad in every clime, will this year, in the month of April, make a pilgrimage to the land hallowed by the blood of her heroes.

Whereas, To properly commemorate said event every scene and every battlefield will be revisited by Irishmen from every land to fittingly attest their love and appreciation of the labors and struggles of Robert Emmett, Wolfe Tone, William Orr, and others; and

Whereas, On the 4th day of March, Irishmen the world over commemorate the name and memory of Robert Emmett, the leader of said revolution, who gave up his young life in Ireland's cause; therefore, be it



Resolved by the House of Representatives: That we direct the sergeant-at-arms of this House to have one hundred guns fired at the arsenal on the 4th day of March, 1898, between the hours of 6 o'clock A. M. and 12 o'clock M."

Said resolution was adopted.

Mr. Meloan presented petition of the board of magistrates of Calloway county, asking repeal of law in regard to returns made to county judge.

Said petition was received, its reading dispensed with, and referred to the Committee on County and City Courts.

The House took from the clerk's desk the following resolution hereto moved by Mr. A. C. Brown, viz:

Whereas, The absence of the American flag is commented upon daily by our citizens in this the Capital of Kentucky:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the "Stars and Stripes" be displayed during the remainder of the session of this Legislature, above the heads of the President of the Senate, and the Speaker of the House, and that this resolution be declared an emergency and go into immediate effect.

And be it further resolved that the flag of our country, shall, during the remainder of the session of this body, be found unfurled from the dome of the Capitol.

Said resolution was adopted.

Mr. Haswell, from the Committee on Classification of Cities and Towns, to which the same had been recommitted, reported:

H. B. 320. An act to change the assignment of the city of Madisonville, Hopkins county, from the fifth class to the fourth class, and to amend and re-enact an act entitled, "An act to assign cities and towns of the Commonwealth to the classes to which they belong."

With a substitute proposed therefor by the committee.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the assignment of the cities of Madisonville and Princeton to the fifth class, and Providence, Webster county, and Sebree City, Webster county, to the sixth class, be now changed, and that said cities of Madisonville and Princeton are hereby assigned to the fourth class, and said cities of Providence and Sebree City are hereby assigned to the fifth class, and be it further enacted:

That section 1, of chapter 99, of the session acts, 1891-2-3 be amended by striking out the words, "Madisonville, Hopkins county, and Princeton, Caldwell county," from list of cities of the fifth class, and by adding the words, "Madisonville, Hopkins county, and Princeton, Caldwell county" to the list of cities of the fourth class, and by adding the words "Providence, Webster county, and Sebree City, Webster county," to the list of cities of the fifth class, so that said section when thus amended, will, so far as it effects said cities of Madisonville, Princeton, Providence and Sebree City, read as follows, to-wit:

Section 1. The cities and towns of this Commonwealth are classified as follows:

First class—Louisville, Jefferson county.

Second class—Lexington, Fayette county; Covington, Kenton county; Newport, Campbell county.

Third class—Paducah, McCracken county; Owensboro, Daviess county; Henderson, Henderson county; Frankfort, Franklin county; Bowling Green, Warren county.

Fourth class—Hopkinsville, Christian county; Shelbyville, Shelby county; Maysville, Mason county; Richmond, Madison county; Winchester, Clark county; Dayton, Campbell

county; Paris, Bourbon county; Ashland, Boyd county; Catlettsburg, Boyd county; Danville, Boyle county; Mt. Sterling, Montgomery county; Middlesboro, Bell county; Georgetown, Scott county; Versailles, Woodford county; Harrodsburg, Mercer county; Bellevue, Campbell county; Cynthiana, Harrison county; Mayfield, Graves county; Somerset, Pulaski county; Lebanon, Marion county; Ludlow, Kenton county; Nicholasville, Jessamine county; Pineville, Bell county; Madisonville, Hopkins county; Princeton, Caldwell county.

Fifth class—Lancaster, Garrard county; Cadiz, Trigg county; Grand Rivers, Livingston county; Franklin, Simpson county; Greenville, Muhlenberg county; Elizabethtown, Hardin county; Louisa, Lawrence county; Russellville, Logan county; Columbus, Hickman county; Glasgow, Barren county; Fulton, Fulton county; South Louisville, Jefferson county; West Covington, Kenton county; Earlington, Hopkins county; Carrollton, Carroll county; Hickman, Fulton county; Cloverport, Breckinridge county; Bardstown, Nelson county; Augusta, Bracken county; Stanford, Lincoln county; Lawrenceburg, Anderson county; Williamsburg, Whitley county; Clinton, Hickman county; Midway, Woodford county; Flemingsburg, Fleming county; Barboursville, Knox county; Elkton, Todd county; Falmouth, Pendleton county; Central City, Muhlenberg county; Vanceburg, Lewis county; Morganfield, Union county; Carlisle, Nicholas county; Clay, Powell county; Uniontown, Union county; Campbellsville, Taylor county; Hawesville, Hancock county; Milldale, Kenton county; Eminence, Henry county; Parkland, Jefferson county; Eddyville, Lyon county; Leitchfield, Grayson county; Owingsville, Bath county; Murray, Calloway county; Marion, Crittenden county; Providence, Webster county; Sebree City, Webster county.

Sixth class—All other incorporated towns and cities not named in this bill shall belong to the sixth class.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. H. Lackey,	W. H. Ragland,
B. W. Bradburn,	Joseph F. Laufer,	E. H. Read,
J. L. Brown,	John M. Letterle,	J. S. Robey,
George H. Bishop,	J. M. Lee,	F. G. Shepherd,
A. Bertram,	J. R. Mallory,	J. A. Small,
W. H. Cole,	J. D. Mocquot,	Andrew Sargent,
Reuben Conner,	Reuben Morris,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	J. J. Marquette,	G. B. Stout,
W. T. Chilton,	W. J. Mears,	Ham. Shehan,
W. H. Cooke,	R. C. Myers,	B. F. Saunders,
J. C. Cantrill,	John M. Moore,	A. J. Thompson,
J. E. Cahill,	J. H. Minor,	Frank M. Tracy,
A. S. Denton,	J. Mc. Meloan,	George Traver,
W. C. Holland,	M. F. North,	H. S. Vanzant,
W. C. G. Hobbs,	Chas. Aaron Nelson,	C. A. Wilson,
John T. Hinton,	Chas. F. Ogden,	C. B. Wheeler,
J. P. Haswell, Jr.,	Michael O'Sullivan,	R. E. Watkins,
W. B. Henderson,	L. J. Owen,	R. C. Walker,
G. W. Hickman,	E. Petty,	David Woods,
J. A. Ingram,	V. Perkins,	J. D. Wills,
J. P. Jeffries,	A. B. Pieratt,	Jas. H. Williams-67.
R. C. Jarnagin,		

Those who voted in the negative were: none

Resolved, That said bill do pass and the title thereof be as follows:

An act to change the assignment of the cities of Madisonville, Hopkins county, and Princeton, Caldwell county, from the fifth class to the fourth class, and Providence, Webster county, and Sebree City, Webster county, from the sixth class to the fifth class; and to amend and re-enact an act entitled, "An act to assign cities and towns of this Commonwealth to the classes to which they belong."

Mr. North, from the Committee on Propositions and Grievances, to which the same had been referred, reported:

H. B. 371. An act allowing a reward for killing wild cats, red foxes and grey foxes in this Commonwealth.

With the expression of opinion that said bill should not pass.

Said bill was read the first time in full.

The question being taken on ordering said bill to be read the third time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Ordered that said bill be printed, placed on the calendar and read the second time on some other day.

Mr. North, from the Committee on Propositions and Grievances, reported a bill originated by the committee, viz:

H. B. 480. An act to provide for the appointment of a delinquent tax collector in cities of the second class.

Said bill was read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. North, from the Committee on Propositions and Grievances, to which the same had been recommitted, reported:

H. B. 317. An act providing for the enlargement of the electric plant at the penitentiary at Frankfort, and making appropriation therefor.

Ordered that said bill be read the third time.

Said bill was read the third time, and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the directors or commissioners of the Kentucky penitentiaries are hereby authorized and directed to enlarge the electric plant at the penitentiary at Frankfort, sufficient to furnish at least one incandescent light for each cell

where inmates are kept at night, and to furnish sufficient light for the walls and yard and all departments of the prison:

Provided, That the cost of the same shall not exceed in the aggregate three thousand dollars, which sum or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of enlarging said electric plant.

Sec. 2. Inasmuch as the present electric plant at the Frankfort penitentiary is too small to furnish the needed light for the prison walls, yard and shops, and at the same time furnish lights for the cells which is greatly needed in order that inmates may have the opportunity to study at night—about the only time they have to gain useful knowledge from books furnished from the prison library—an emergency is declared, and this act shall take effect when approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	A. B. Pieratt,
Bruce Adkins,	Anderson Hatfield,	L. C. Rawlings,
B. W. Bradburn,	J. A. Ingram,	W. H. Ragland,
Geo. H. Bishop,	J. P. Jeffries,	E. H. Read,
A. Bertram,	R. C. Jarnagin,	J. S. Robey,
W. H. Cole,	Joseph F. Laufer,	F. G. Shepherd,
A. H. Charlton,	John M. Letterle,	Andrew Sargent,
W. W. Combs,	J. M. Lee,	O. P. Searcy,
T. W. Clark,	J. R. Mallory,	Miles Spurlock,
W. T. Chilton,	J. D. Mocquot,	Waller Sharp,
W. H. Cooke,	J. R. Mount,	G. B. Stout,
J. E. Cahill,	J. J. Marquette,	Ham. Shehan,
J. Morgan Chinn,	W. J. Mears,	Frank M. Tracy,
A. S. Denton,	Noah Marsee,	South Trimble,
W. W. Gill,	F. May,	George Traver,
W. C. Holland,	W. A. Morris,	C. A. Wilson,

C. W. Haverly,	M. F. North,	R. E. Watkins,
W. C. G. Hobbs,	Michael O'Sullivan,	David Woods,
John T. Hinton,	W. C. Pike,	J. H. Williams—59.
J. P. Haswell, Jr.,	V. Perkins,	

Those who voted in the negative were:

G. W. Hickman,	Emmett Orr,	H. S. Vanzant,
Reuben Morris,	Chas. F. Ogden,	L. E. Weatherford,
R. C. Myers,	J. A. Small,	R. C. Walker,
J. Mc. Meloan,	B. F. Saunders,	J. D. Wills—14.
Chas. Aaron Nelson,	A. J. Thompson,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had concurred in an amendment proposed by the House to a bill which originated in the Senate of the following title:

S. B. 53. An act to amend section 17, article 2, chapter 221, session acts 1891-2-3, approved June 10, 1893, entitled, "An act relating to courts of justice."

That they had disagreed to:

H. B. 166. An act to regulate the sale of leaf tobacco in the public markets of Kentucky.

That they had passed bills which originated in the House of the following titles:

H. B. 148. An act to amend section 273, Civil Code of Practice relating to injunctions.

H. B. 48. An act to repeal an act entitled, "An act to organize and establish a system of public graded schools in Madisonville, Hopkins county," approved April 16, 1898.

H. B. 1. An act regulating fire insurance companies and their agents authorized to do business in Kentucky, and providing penalties for violations of the provisions of this act.

That they had passed bills which originated in the Senate of the following titles, viz:

1. S. B. 154. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.
2. S. B. 65. An act in regard to the renting of land.
3. S. B. 21. An act to amend an act approved March 16, 1894, entitled, "An act relating to voluntary assignments."
4. S. B. 180. An act to provide for the condemnation of land and material necessary to construct, maintain and repair the public roads and bridges of this Commonwealth.
5. S. Res. Resolution directing that the National flag be displayed from the dome of the State Capitol.

Ordered that said bills be referred: First to Committee on Municipalities, second and third to the Committee on Kentucky Statutes, the fourth to the Committee on Internal Improvements, the fifth to the Committee on Library and Public Buildings.

The committees to which the same had been referred reported bills as follows, viz:

By Mr. Haswell, from Committee on Classification of Cities and Towns:

H. B. 234. An act for the benefit of incorporated districts or other municipalities not heretofore assigned to any class of cities or towns.

By same:

H. B. 477. An act to change the boundary of the town of Beattyville, Lee county.

By Mr. North, from the Committee on Propositions and Grievances:

H. B. 316. An act regulating tolls or rent of telephones.

By Mr. Chinn, from Committee on Judiciary:

S. B. 83. An act regulating the manufacture and sale of food.



By Mr. North, from the Committee on Propositions and Grievances:

H. B. 404. An Act to repeal chapter 971, session acts, 1885-6, entitled, "An act to prevent the drifting and floating of saw logs down the Licking river below Salyersville." approved May 7, 1886.

By Mr. Perkins, from the Committee on County and City Courts:

H. B. 247. An act concerning the court house district in Campbell county.

By Mr. Orr, from the Committee on Revenue and Taxation:

S. B. 97. An act for the benefit of ex-sheriffs of this Commonwealth.

By Mr. Thompson, from the Committee on Mines and Mining:

S. B. 137. An act to amend chapter 88, of Kentucky Statutes, titled, "Mines and Mining."

Which bills were severally read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. North, from the Committee on Propositions and Grievances, to which the same had been referred, reported: .

H. B. 376. An act providing for the enlargement of the present dining-room, kitchen and hospital of the Kentucky penitentiary at Frankfort.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, The present dining-room and kitchen of the penitentiary at Frankfort, are entirely too small to accommodate the large number of prisoners confined in said penitentiary; and,

Whereas, There is no room for the accommodation of convalescents, cripples and those otherwise unable to work, but

not sufficiently sick to be confined in the hospital proper; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the directors or commissioners of the Kentucky penitentiaries be, and are hereby authorized and directed to make such additions to the present dining-room and kitchen of the penitentiary at Frankfort, as will make sufficient room for the preparation of food and seating at table of the prisoners now confined in said penitentiary, and to provide sufficient room or rooms on the second floor of said addition and adjoining the present hospital of said penitentiary to accomodate the inmates who are crippled and otheswise unable to work, but who are not sufficiently sick to be confined in the hospital.

Sec 2. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose set forth in the preceding section of this act.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. C. Holland,	F. May,
Bruce Adkins,	C. W. Haverly,	W. A. Morris,
B. W. Bradburn,	W. C. G. Hobbs,	M. F. North,
J. L. Brown,	J. H. Hall,	Michael O'Sullivan,
George H. Bishop,	John T. Hinton,	V. Perkins,
A. Bertram,	W. B. Henderson,	L. C. Rawlings,
W. H. Cole,	G. W. Hickman,	W. H. Ragland,
A. H. Charlton,	Anderson Hatfield,	E. H. Read,
W. W. Combs,	J. H. Lackey,	J. S. Robey,
T. W. Clark,	Joseph F. Laufer,	S. Atwood Smith,
W. T. Chilton,	John M. Letterle,	G. Weissinger Smith,
W. H. Cooke,	J. M. Lee,	F. G. Shepherd,

J. E. Cahill,	J. R. Mallory,	Waller Sharp,
J. Morgan Chinn,	J. D. Mocquot,	G. B. Stout,
A. S. Denton,	J. R. Mount,	A. J. Thompson,
Claude Desha,	J. J. Marquette,	South Trimble,
J. B. Depp,	W. J. Mears,	C. A. Wilson,
M. T. Freeman,	John M. Moore,	R. E. Watkins,
W. W. Gill,	W. H. McKee,	J. H. Williams—57.

Those who voted in the negative were:

Reuben Conner,	Noah Marsee,	O. P. Searcy,
John Collins,	J. H. Minor,	Miles Spurlock,
J. S. Hood,	J. Mc. Meloan,	Ham. Shehan,
James M. Hall,	Chas. Aaron Nelson,	B. F. Saunders,
J. P. Haswell, Jr.,	Chas. F. Ogden,	H. S. Vanzant,
J. A. Ingram,	W. C. Pike,	L. E. Weatherford,
J. P. Jeffries,	A. B. Pieratt,	R. C. Walker,
R. C. Jarnagin,	J. A. Small,	David Woods,
Reuben Morris,	Andrew Sargent,	J. D. Wills—29.
R. C. Myers,	W. T. Sharp,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 156. An act to amend and re-enact sections 4, 6 and 8, of an act entitled, "An act relating to and providing for a Court of Appeals," approved June 17, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sections 4, 6 and 8 of an act entitled, "An act relating to and providing for a Court of Appeals," approved June 17, 1893, be and the same are hereby amended and re-enacted so as to read as follows:

"Sec. 4. Third district—Hardin, Bullitt, Nelson, Washington, Marion, Spencer, Larue, Hart, Green, Taylor, Adair, Metcalfe,

Barren, Clinton, Wayne, Russell, Casey, Shelby, Oldham, Anderson and Pulaski."

"Sec. 6. Fifth district—Henry, Trimble, Carroll, Gallatin, Owen, Scott, Franklin, Bourbon, Fayette, Woodford, Garrard, Boyle, Jessamine, Madison, Mercer, Lincoln, Rockcastle, Clay, Jackson, Laurel, Knox, Owsley, Whitley, Bell, Harlan, Leslie, Perry and Letcher."

"Sec. 8. Seventh district—Clark, Montgomery, Bath, Estill, Powell, Menefee, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Wolfe, Morgan, Elliott, Lawrence, Boyd, Johnson and Martin."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	J. H. Lackey,	W. H. Ragland,
B. W. Bradburn,	Joseph F. Laufer,	J. S. Robey,
A. C. Brown,	John M. Letterle,	S. Atwood Smith,
J. L. Brown,	J. M. Lee,	F. G. Shepherd,
George H. Bishop,	J. R. Mallory,	J. A. Small,
A. Bertram,	J. D. Mocquot,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
W. W. Combs.	W. J. Mears,	Waller Sharp,
T. W. Clark,	John M. Moore,	G. B. Stout,
W. T. Chilton,	W. H. McKee,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford.
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	E. Petty,	R. E. Watkins,
W. C. Holland,	W. C. Pike,	R. C. Walker,
W. C. G. Hobbs,	V. Perkins,	J. D. Wills,
John T. Hinton,	A. B. Pieratt,	Jas. H. Williams-67.
W. B. Henderson,		

Those who voted in the negative were:

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	R. C. Jarnagin,	G. Weissinger Smith,
J. S. Hood,	Reuben Morris,	Andrew Sargent,
James M. Hall,	R. C. Myers,	W. T. Sharp,
J. H. Hall,	Noah Marsee,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods—21.
Anderson Hatfield,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 197. An act to amend and re-enact section 4, article 5, of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, and being section 4108 of Kentucky Statutes.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 4 of article 5, of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "An act relating to revenue and taxation," approved November 11, 1892, be, and the same is hereby amended by striking out and omitting all of said section following the words "State tax," where the same first appears in said section, and inserting in lieu thereof the following words, to-wit:

"All of said property shall be reported by the distillers and owners thereof to the proper officers for assessment for county, city, town or district taxation, and the date when the bonded period will expire on such spirits and the proper assessing officer of such county, city, town and taxing district, shall make the assessment thereon, as other merchandise, for county, city, town and taxing district purposes, and shall report the

same to the proper collecting officers of the county, city, town or taxing district, for collection."

And said section is so re-enacted so as to read as follows:

"Sec. 4. Immediately after finally fixing such values, the board shall certify to the Auditor of Public Accounts the value of the spirits as assessed for State tax, and all the said property shall be reported by the distillers and owners thereof to the proper officers for assessment for county, city, town or district taxation, and the date when the bonded period will expire on such spirits, and the proper assessing officers of such county, city, town or taxing district shall make the assessment thereon as other merchandise, for county, city, town and taxing district purposes, and shall report the same to the proper collecting officers of the county, city, town or taxing district for collection."

Sec. 2. All acts or parts of acts of the General Assembly in conflict herewith are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	A. B. Pieratt,
Bruce Adkins,	J. P. Jeffries,	L. C. Rawlings,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,
J. L. Brown,	John M. Letterle,	E. H. Read,
George H. Bishop,	J. M. Lee,	J. S. Robey,
A. Bertram,	J. R. Mallory,	S. Atwood Smith,
Reuben Conner,	Reuben Morris,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mount,	F. G. Shepherd,
W. W. Combs,	W. J. Mears,	J. A. Small,
W. T. Chilton,	R. C. Myers,	Andrew Sargent,
W. H. Cooke,	Noah Marsee,	O. P. Searcy,
J. Morgan Chinn,	John M. Moore,	Miles Spurlock,
John Collins,	W. H. McKee,	G. B. Stout,
A. S. Denton,	W. A. Morris,	Ham. Shehan,

Claude Desha,	J. Mc. Meloan,	B. F. Saunders,
M. T. Freeman,	M. F. North,	A. J. Thompson,
W. W. Gill,	Chas. Aaron Nelson,	Frank M. Tracy,
W. C. Holland,	Emmett Orr,	H. S. Vanzant,
C. W. Haverly,	Chas. F. Ogden,	L. E. Weatherford,
J. S. Hood,	Michael O'Sullivan,	C. A. Wilson,
W. C. G. Hobbs,	L. J. Owen,	R. C. Walkér,
John T. Hinton,	E. Petty,	David Woods,
W. B. Henderson,	W. C. Pike,	J. D. Wills,
G. W. Hickman,	V. Perkins,	Jas. H. Williams—72.

Those who voted in the negative were:

James M. Hall—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took a recess until 3 o'clock.

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#### AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Speaker Beckham in the chair.

Mr. Charlton moved that the roll be called to ascertain if a quorum be present.

Said motion was adopted.

Upon the call of the roll the following members answered to their names, viz:

Those present and answering were:

M. Abele,	R. C. Jarnagin,	A. B. Pieratt,
Bruce Adkins,	J. H. Lackey,	L. C. Rawlings,
T. H. Armstrong,	Joseph F. Laufer,	W. H. Ragland,

B. W. Bradburn,	John M. Letterle,	E. H. Read,
J. L. Brown,	J. M. Lee,	J. S. Robey,
George H. Bishop,	J. R. Mallory,	G. Weissinger Smith,
Reuben Conner,	J. D. Mocquot,	F. G. Shepherd,
A. H. Charlton,	J. R. Mount,	O. P. Searcy,
W. W. Combs,	W. J. Mears,	Miles Spurlock,
T. W. Clark,	John M. Moore,	Waller Sharp,
W. T. Chilton,	W. H. McKee,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
John Collins,	M. F. North,	Frank M. Tracy,
A. S. Denton,	Chas. Aaron Nelson,	South Trimble,
Claude Desha,	Emmett Orr,	H. S. Vanzant,
M. T. Freeman,	Chas. F. Ogden,	C. A. Wilson,
W. W. Gill,	Michael O'Sullivan,	R. E. Watkins,
W. C. Holland,	E. Petty,	R. C. Walker,
W. C. G. Hobbs,	W. C. Pike,	David Woods,
John T. Hinton,	V. Perkins,	Jas. H. Williams—64.
G. W. Hickman,		

The House took from the orders of the day:

H. B. 255. An act in regard to weighing coal by railroad companies.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows:

H. B. 255. Whereas, Railroad companies doing business in this State are in the habit of issuing their bills of lading to shippers and coal dealers agreeing to carry and deliver a certain number of bushels or pounds of bituminous coal at destination as common carriers for a certain price or compensation; and,

Whereas, At the place of destination it is found in many cases the coal is short so much as fifty bushels, or 3,500 pounds, and the dealer is required to pay freight on fifty bushels of coal not delivered to them; Therefore,



Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That ever railroad company doing business in this Commonwealth, and carrying coal for pay or hire, shall be required to erect and maintain scales suitable for weighing coal at every station on its line or lines in this State at which as much as one hundred cars of coal are delivered in twelve months, upon which scales all coal shall be weighed when delivered, and said railroad company shall not be allowed to collect tolls or freight on any coal called for in the bill of lading not delivered at destination according to their contract bill of lading; that is to say the amount of coal delivered by them at destination shall be deducted from amount called for in the bill of lading when delivered to said company and freight collected by them on just the amount they deliver to the consignee and no more.

Sec. 2. That any railroad company failing or refusing to erect said scales at any such point on its line of road for four months from date at which this act shall take effect, shall be fined five hundred dollars and the costs upon indictment by any grand jury in any county wherein such station at which one hundred cars of coal are delivered in any one year.

Sec. 3. That it shall be unlawful for any company to charge freight for any coal it does not haul and deliver at the station called for in bill of lading, and for a violation of this act shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars for each offense to be recovered by warrant sworn out in court having jurisdiction of the amount in controversy in the city or district wherein the delivery is made and freight collected.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. H. Lackey,	L. C. Rawlings,
B. W. Bradburn,	Joseph F. Laufer,	W. H. Ragland,

to faithfully discharge the duties of such stenographic reporter.

Sec. 5. Said stenographic reporter shall receive an annual salary of nine hundred dollars payable monthly by the trustees of the jury fund of said county upon the order of said judge or court and said judge or court and said order shall be a sufficient voucher in the settlement of the trustee with the Auditor.

Sec. 6. For the reason that official stenographic reports are necessary to promptly and properly expedite business in circuit courts in the counties embraced in this act, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	S. Atwood Smith,
George H. Bishop,	Anderson Hatfield,	G. Weissinger Smith,
A. H. Charlton,	Joseph F. Laufer,	F. G. Shepherd,
W. H. Cooke,	J. M. Letterle,	J. A. Small,
John Collins,	Emmett Orr,	Frank M. Tracy,
W. C. G. Hobbs,	Chas. F. Ogden,	David Woods—20.
James M. Hall,	Michael O'Sullivan,	

Those who voted in the negative were:

Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
B. W. Bradburn,	G. W. Hickman,	W. H. Ragland,
J. L. Brown,	J. P. Jeffries,	E. H. Read,
A. Bertram,	J. H. Lackey,	J. S. Robey,
W. H. Cole,	J. M. Lee,	W. T. Sharp,
Reuben Conner,	J. R. Mallory,	O. P. Searcy,
W. W. Combs,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	Noah Marsee,	Ham. Shehan,
J. C. Cantrill,	John M. Moore,	B. F. Saunders,
J. Morgan Chinn,	W. A. Morris,	A. J. Thompson,

A. S. Denton,	J. Mc. Meloan,	South Trimble,
Claude Desha,	M. F. North,	H. S. Vanzant,
M. T. Freeman,	Chas. Aaron Nelson,	C. A. Wilson,
W. W. Gill,	E. Petty,	R. C. Walker,
W. C. Holland,	W. C. Pike,	J. D. Wills,
C. W. Haverly,	V. Perkins,	J. H. Williams—53.
J. P. Haswell, Jr.,	A. B. Pieratt,	

So said bill was rejected.

The House took from the orders of the day:

S. Res. 3. Resolution providing for payment of balance salary of Caswell Bennett to his widow Mary C. Bennett.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted, as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby instructed to draw his warrant on the Treasurer in favor of Mrs. Mary C. Bennett, widow of Caswell Bennett, late Chief Justice of the Court of Appeals of Kentucky for, and said treasurer is directed to pay to her, any balance that would have been due her husband on his salary as Judge of the Court of Appeals of Kentucky from the date of his death, to-wit: 9th day of August, 1894, up to the 31st day of December, 1894.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	W. H. Ragland,
Bruce Adkins,	W. B. Henderson,	S. Atwood Smith,
T. H. Armstrong,	G. W. Hickman,	G. Weissinger Smith,
B. W. Bradburn,	Anderson Hatfield,	F. G. Shepherd,
A. Bertram,	Joseph F. Laufer,	J. A. Small,

A. C. Brown,	John M. Letterle,	O. P. Searcy,
J. L. Brown,	J. M. Lee,	Miles Spurlock,
George H. Bishop,	J. R. Mallory,	Waller Sharp,
Reuben Conner,	J. D. Mocquot,	G. B. Stout.
A. H. Charlton,	John M. Moore,	Ham. Shehan,
T. W. Clark,	W. H. McKee.	Frank M. Tracy,
W. H. Cooke,	W. A. Morris,	South Trimble,
J. C. Cantrill,	Emmett Orr,	C. A. Wilson,
J. E. Cahill,	Michael O'Sullivan,	R. E. Watkins,
J. Morgan Chinn,	E. Petty,	R. C. Walker.
A. S. Denton,	W. C. Pike,	Jas. H. Williams,
W. C. Holland,	V. Perkins,	Spkr. Beckham—53.
W. C. G. Hobbs,	L. C. Rawlings,	

Those who voted in the negative were:

W. H. Cole,	J. P. Jefferies,	J. S. Robey,
W. W. Combs,	J. H. Lackey,	W. T. Sharp,
W. T. Chilton,	J. R. Mount,	A. J. Thompson,
John Collins,	Noah Marsee,	H. S. Vanzant,
Claude Desha,	M. F. North,	J. D. Wills,
W. W. Gill,	Chas. Aaron Nelson,	David Woods—20.
James M. Hall,	E. H. Read,	

Resolved, That said resolution be adopted and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed:

H. B. 93. An act continuing the State Dental Association, and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth.

Mr. Letterle of the Committee of Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the Senate and House of Representatives, of the following titles, viz:

S. B. 156. An act to amend and re-enact sections 4, 6, and

8 of an act entitled, "An act relating to and providing for a Court of Appeals," approved June 17, 1893.

S. Res. 3. Resolution providing for payment of balance salary of Caswell Bennett to his widow, Mary C. Bennett.

H. H. 87. An act to amend section 28, of article 6 of an act for the government of cities of the second class in the Commonwealth of Kentucky, relating to city jailers.

H. B. 109. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893.

And had found the same correctly enrolled.

Said bills and resolution were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

The House took from the orders of the day:

H. B. 212. An act entitled an act to make gold and silver coin of the United States legal tender in payment of all debts, and to prohibit the making of any contract for the payment of money in any other currency than the general legal tender of the United States.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That from and after the passage of this act gold and silver coin of the United States shall be legal tender to pay all debts, and it shall be unlawful to make any note, bill of exchange, mortgage or any other contract or agreement

of any description, payable specifically in either gold, silver or any other particular money, other than the general legal tender of the United States. It being the object and purpose of this act to prevent any discrimination against or in favor of any particular coin or currency made legal tender by the laws of the United States.

Sec. 2. Be it further enacted, that all contracts and agreements of any and every description, which may hereafter be made in violation of the first section of this act shall be absolutely void,

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	L. C. Rawlings.
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
T. H. Armstrong,	J. H. Lackey,	J. S. Robey,
B. W. Bradburn,	Joseph F. Laufer,	S. Atwood Smith,
A. C. Brown,	John M. Letterle,	F. G. Shepherd,
J. L. Brown,	J. M. Lee,	J. A. Small,
George H. Bishop,	J. R. Mallory,	O. P. Searcy,
A. Bertram,	J. D. Mocquot,	Miles Spurlock,
Reuben Conner,	J. R. Mount,	Waller Sharp,
A. H. Charlton,	W. J. Mears,	G. B. Stout,
W. W. Combs,	John M. Moore,	Ham. Shehan,
T. W. Clark,	W. H. McKee,	B. F. Saunders,
W. T. Chilton,	W. A. Morris,	A. J. Thompson,
W. H. Cooke,	J. Mc. Meloan,	Frank M. Tracy,
J. C. Cantrill,	M. F. North,	South Trimble,
J. E. Cahill,	Chas. Aaron Nelson,	L. E. Weatherford.
J. Morgan Chinn,	Emmett Orr,	C. A. Wilson,
A. S. Denton,	Michael O'Sullivan,	R. E. Watkins,
Claude Desha,	L. J. Owen,	R. C. Walker,
J. B. Depp,	E. Petty,	J. D. Wills,
W. W. Gill,	W. C. Pike,	Jas. H. Williams.

W. C. Holland,	V. Perkins,	Spkr. Beckham—68.
W. C. G. Hobbs,	A. B. Pieratt,	

Those who voted in the negative were:

W. H. Cole,	Anderson Hatfield,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	R. C. Jarnagin,	G. Weissinger Smith,
C. W. Haverly,	R. C. Myers,	W. T. Sharp,
J. S. Hood,	Noah Marsee,	H. S. Vanzant,
James M. Hall,	F. May,	David Woods—19.
J. P. Haswell, Jr.,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

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FRIDAY, MARCH 4, 1898.

The House was opened with prayer by Rev. Father Major, of the Catholic church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Stout presented the petition of sundry citizens of Woodford county in regard to co-guardian bill, which petition was received, its reading dispensed with, and referred to the Committee on Kentucky Statutes.

Mr. Petty, from the Committee on Public Morals, reported:

H. Res. 23. Resolution commending Miss Christine Bradley for her determination to use pure water in christening the Battleship "Kentucky."

Said resolution was adopted.

The committee to which the same had been referred reported bills and resolution of the following titles, viz:

By Mr. Chilton, from the Committee on Claims:

H. Res. 18. Resolution appropriating money to compensate Edward Hensley for his services as secretary of the State Sinking Fund Commissioners and Ex-officio Directors of the Penitentiaries.

By Mr. Stout, from the Committee on Internal Improvements:

H. B. 241. An act to amend section 20, of chapter 47, of the acts of 1894 amending an act of 1891-2-3, entitled, "An act relating to roads and passways."

By Mr. Petty, from the Committee on Public Morals:

H. B. 189. An act for the benefit of the inmates of the penal reformatory and charitable institutions of the State.

By same:

H. B. 396. An act for the better protection of the Sabbath Day, commonly called Sunday.

By same:

H. B. 462. An act to repeal in part and to amend an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors may be sold, bartered or loaned therein."

By same:

H. B. 282. An act to prevent and provide punishment for reproduction of prize fights by photographs in this Commonwealth.

With the expression of opinion that said bills should not pass.

Said bills were severally read the first time in full.

The question being taken on ordering said bills to be



read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were rejected.

A message was received from the Senate announcing that official information had been received that the Governor had approved and signed a bill which originated in the House, of the following title, viz:

H. B. 102. "An act to amend and re-enact an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, as to the twenty-fourth circuit court district.

That they had passed bills which originated in the House of the following titles, viz:

H. B. 43. An act to amend and re-enact section 79 of an act entitled, "An act to provide for an efficient system of common schools throughout this State," approved July 6, 1893.

H. B. 304. An act to provide for maintaining circuit courts and their offices and furnishing services and assistance to courts by cities of the second class in this Commonwealth, wherein sit circuit courts of continuous session.

H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington, Ky.

H. B. 64. An act to amend an act approved March 29, 1882, chapter 62, article 5, section 12, General Statutes.

H. B. 2. An act to repeal an act entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate," approved March 17, 1896.

With an amendment to said last named bill.

That they had passed bills which originated in the Senate of the following titles, viz:

1. S. B. 11. An act to amend and re-enact section 257 of article 6, of chapter 171, of the acts of 1891-2-3, entitled, "An

act providing for the creation and regulation of private corporations," which became a law April 5 1893.

2. S. B. 93. An act to amend section 78 of article 3, chapter 171 of acts of session 1891-2-3, entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.
3. S. B. 119. An act regulating rents and tolls on telephones.
4. S. B. 120. An act to amend subsection 20, chapter 32, General Statutes.
5. S. B. 175. An act to amend section 3 of an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the fourth class,'" which became a law March 24, 1894.
6. S. B. 178. An act to amend an act to provide for an efficient system of common schools throughout the State, approved July 6, 1893.
7. S. B. 183. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.
8. S. B. 198. An act to amend an act entitled "An act for the government of cities of the first class," approved July 1, 1893.
9. An act to better secure to creditors and others beneficially interested the assets and proceeds of assigned estates, and of all other estates of individuals or corporations put into the hands of receivers by orders of court and for securing a more prompt administration and settlement of such estates by assignee and receivers thereof.
10. S. Res. 8. Resolution for the benefit of circuit court clerks.

Ordered that the first and second be referred to the Committee on Corporate Institution, the third to the Committee on Propositions and Grievances, the fourth and ninth to the Committee on Kentucky Statutes, fifth to the Committee on Municipalities, the sixth, to the Committee on Education, the

seventh and eight and tenth to the Committee on Court of Appeals.

The committee to which the same had been referred reported bills as follows, viz:

By Mr. Chilton, from the Committee on Claims.

H. B. 387. An act to provide for the payment of judgment lately recovered by the Mason-Foard Company against the Commonwealth.

Without an expression of opinion.

By same:

S. B. 92. An act to amend section 8, article 1 of chapter 192 of the session acts 1891-2-3, of an act entitled, "An act relating to claims upon the treasury."

By same:

S. Res. 10. Resolution providing for the payment of certain idiot claims.

By Mr. Petty, from the Committee on Public Morals:

S. B. 25. An act to amend sections 1, 4, 7, 8 and 10 of an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

By same:

H. B. 361. An act to prevent the sale of articles at church associations held outside of incorporated cities and towns in this Commonwealth.

By same:

S. B. 130. An act to repeal chapter 1445 of an act to amend an act to prohibit the sale of spirituous vinous and malt liquors in counties of Laurel, Rock Castle, Jackson, Dovesley and Clay, approved May 12, 1884.

By Mr. Stout, from the Committee on Internal Improvements:

- act providing for the creation and regulation of private corporations," which became a law April 5 1893.
2. S. B. 93. An act to amend section 78 of article 3, chapter 171 of acts of session 1891-2-3, entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.
  3. S. B. 119. An act regulating rents and tolls on telephones.
  4. S. B. 120. An act to amend subsection 20, chapter 32, General Statutes.
  5. S. B. 175. An act to amend section 3 of an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the fourth class,'" which became a law March 24, 1894.
  6. S. B. 178. An act to amend an act to provide for an efficient system of common schools throughout the State, approved July 6, 1893.
  7. S. B. 183. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.
  8. S. B. 198. An act to amend an act entitled "An act for the government of cities of the first class," approved July 1, 1893.
  9. An act to better secure to creditors and others beneficially interested the assets and proceeds of assigned estates, and of all other estates of individuals or corporations put into the hands of receivers by orders of court and for securing a more prompt administration and settlement of such estates by assignee and receivers thereof.
  10. S. Res. 8. Resolution for the benefit of circuit court clerks.

Ordered that the first and second be referred to the Committee on Corporate Institution, the third to the Committee on Propositions and Grievances, the fourth and ninth to the Committee on Kentucky Statutes, fifth to the Committee on Municipalities, the sixth, to the Committee on Education, the

seventh and eight and tenth to the Committee on Court of Appeals.

The committee to which the same had been referred reported bills as follows, viz:

By Mr. Chilton, from the Committee on Claims.

H. B. 387. An act to provide for the payment of judgment lately recovered by the Mason-Foard Company against the Commonwealth.

Without an expression of opinion.

By same:

S. B. 92. An act to amend section 8, article 1 of chapter 192 of the session acts 1891-2-3, of an act entitled, "An act relating to claims upon the treasury."

By same:

S. Res. 10. Resolution providing for the payment of certain idiot claims.

By Mr. Petty, from the Committee on Public Morals:

S. B. 25. An act to amend sections 1, 4, 7, 8 and 10 of an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

By same:

H. B. 361. An act to prevent the sale of articles at church associations held outside of incorporated cities and towns in this Commonwealth.

By same:

S. B. 130. An act to repeal chapter 1445 of an act to amend an act to prohibit the sale of spirituous vinous and malt liquors in counties of Laurel, Rock Castle, Jackson, Owesley and Clay, approved May 12, 1884.

By Mr. Stout, from the Committee on Internal Improvements:

H. B. 194. An act to amend an act entitled, "An act relating to roads and passways," approved March 10, 1894.

By same.

H. B. 192. An act to amend and re-enact subsection 3, section 4724, chapter 129, Kentucky Statutes, or section 3, chapter 110, General Statutes, title, "Turnpike, gravel and plank roads."

By same:

H. B. 313. An act prescribing the duties of road overseers in this State regarding the collection of drift around bridges, and the removal of drift.

By same:

H. B. 380. An act requiring the county supervisor of roads to be elected by the popular vote of the people, and repealing that part of the present law giving the fiscal court that power.

By same:

H. B. 399. An act repealing a special act for the benefit of the Newcastle and Bethlehem and Newcastle and Gray Turnpike Company, approved April 3, 1884.

By same:

H. B. 351. An act to amend and re-enact section 23, article 1 of chapter 94 of the General Statutes, being section 4306 of the Kentucky Statutes.

By same:

H. B. 198. An act to amend and re-enact section 20 of chapter 47 of the acts of 1894, entitled, "An act to amend chapter 232 of the acts of 1891-2-3, entitled, 'An act relating to roads and passways.'"

By Mr. Tracy, from the Committee on Constitutional Amendments:

H. B. 479. An act to amend and re-enact section 15 of chapter 27 of an act entitled, "An act to provide free turnpikes and gravel roads." approved March 17, 1896,

By Mr. Lee, from the Committee on Military Affairs.

H. B. 410. An act providing for a suitable military representation of the Commonwealth on the occasion of the christening of the Battleship "Kentucky," and appropriating an amount to enable such representation to be made.

By same:

H. Res. 24. Resolution appropriating money to secure badges for Mexican war veterans.

Which bills and resolutions were severally read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

The House took from the calendar bills as follows, viz:

An act to amend an act to appropriate money to erect monuments at Chicamauga and Chattanooga Park, chapter 24, laws of Kentucky, approved March 17, 1896.

S. B. 38. An act to establish the office of physician to the jail in counties containing a population of one hundred and fifty thousand or more.

H. B. 153. An act to amend section 1, article 8, chapter 38, of general statutes, being section 1697, subdivision 1, article 15, chapter 48, Kentucky Statutes.

H. B. 300. An act amending an act to punish persons for fraudulently selling or disposing of mortgaged personal property, approved February 3, 1874.

H. B. 476. An act to repeal section 12, article 1, chapter 48, general statutes, section 2025, Kentucky Statutes.

H. B. 261. An act to re-enact an act to prevent fraudulent claims against the Commonwealth, and to recover such as have been paid, approved April 24, 1880.

H. B. 385. An act to fix the hundred weight and ton of hemp, and to prescribe a penalty for the violation thereof.

H. B. 347. An act to legalize the election of officers in certain cities of this Commonwealth.

H. B. 96. An act to amend section 1720, article 1, chapter 47, Kentucky Statutes, relating to clerks' fees.

H. B. 434. An act to provide for county police in certain counties.

H. B. 209. An act to amend an act entitled, "An act for the government of first-class cities."

H. B. 211. An act to repeal an act entitled, "An act to provide for the more perfect and uniform indexing of the public records in counties of this Commonwealth having a population of seventy-five thousand or more," which act was approved on June 15, 1893.

H. B. 356. An act to amend an act approved July 1, 1893, entitled, "An act for the government of cities of the first class."

H. B. 154. An act to repeal an act entitled, "An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville," approved March 28, 1873. Recommitted to the Committee on Education.

H. B. 248. An act to provide for the creation and government of suburban districts. Recommitted to the Committee on Court of Appeals.

H. B. 367. An act to repeal the charter of the town of Bethlehem, in Henry county.

Which bills were severally read the second time and placed in the orders of the day, except H. B. 261, which was withdrawn.

Mr. Chilton, from the Committee on Claims, which had originated the same, reported:

H. Res. 26. Resolution providing payment of expenses incurred in the Bertram-Powers contest case.

Which resolution was read the first time in full, ordered to be printed placed on the calendar and read the second time on some other day.

The House took from the orders of the day:



S. B. 3. An act to amend section 231 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, being section 3017 of the Kentucky Statutes, and relating to the grading of applicants for license in cities of the first class.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 231 of an act for the government of cities of the first class, being section 3017 of the Kentucky Statutes, be amended by adding to said section the following language, to-wit:

"Every business, profession, occupation, calling or subject herein provided to be licensed, where maximum or minimum sum for the license is herein fixed, the general council may grade and class the respective subjects of license, and fix the rate of licenses for each grade or class at or within the minimum or maximum rates herein provided for such subjects respectively," so that said section was amended, shall read as follows:

"Sec. 231. Every business, profession, occupation, calling or subject herein provided to be licensed, where the maximum and minimum sum for the license is herein fixed, the general council may grade and class the respective subjects of license, and fix the rate of license for each grade or class at or within the minimum or maximum rates herein provided for such subjects respectively. In granting licenses the treasurer and secretary of the Sinking Fund shall, from the oath of the applicant or other evidence, ascertain the grade in which such applicant should be licensed; but said applicant shall have the right, within ten days, to appeal in writing to the Commissioners of the Sinking Fund from the action of the secretary and treasurer, and the commissioners shall have

power to determine in which grade the applicant shall be placed. In all cases where the amount of license to be paid by any person, firm or corporation is based upon, or regulated by, the amount of sales made or business done, such person, firm or corporation shall render a sworn statement to the treasurer and secretary of the Sinking Fund of the total amount of sales made or business done by them respectively during the preceding year, which statement shall be considered in determining the amount for which such license shall be issued."

Sec. 2. All acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

Sec. 3. Inasmuch as there is great uncertainty and confusion in the license laws of cities of the first class, and it is highly important that the same should cease to exist, so that said cities may at once collect revenues by way of license, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	L. C. Rawlings,
T. H. Armstrong,	W. B. Henderson,	W. H. Ragland,
B. W. Bradburn,	G. W. Hickman,	E. H. Reed,
J. L. Brown,	J. H. Lackey,	J. S. Robey,
George H. Bishop,	Joseph F. Laufer,	G. Weissinger Smith,
A. Bertram,	John M. Letterle,	F. G. Shepherd,
A. H. Charlton,	J. M. Lee,	J. A. Small,
T. W. Clark,	J. R. Mallory,	O. P. Searcy,
W. T. Chilton,	J. D. Mocquot,	G. B. Stout,
W. H. Cooke,	J. R. Mount,	Ham. Shehan,
J. Morgan Chinn,	W. J. Mears,	B. F. Saunders,
A. S. Denton,	W. H. McKee,	A. J. Thompson,
Claude Desha,	W. A. Morris,	Frank M. Tracy,

W. W. Gill,	J. Mc. Meloan,	L. E. Weatherford,
C. W. Haverly,	M. F. North,	C. A. Wilson,
J. S. Hood,	Chas. Aaron Nelson,	R. E. Watkins,
J. A. Humphreys,	W. C. Pike,	R. C. Walker,
W. C. G. Hobbs,	V. Perkins,	Jas. H. Williams-57,
J. H. Hall,	A. B. Pieratt,	

Those who voted in the negative were:

W. H. Cole,	R. C. Jarnagin,	Chas. F. Ogden,
John Collins,	Reuben Morris,	Andrew Sargent,
J. P. Haswell, Jr.,	R. C. Myers,	W. T. Sharp,
Anderson Hatfield,	Noah Marsee,	H. S. Vanzant,
J. P. Jeffries,	F. May,	David Woods-15.

Resolved that said bill do pass and that the title thereof be as aforesaid.

Mr. Lackey moved the adoption of the following resolution, viz:

Whereas, This body has just been informed that Messrs. Overton and Dickinson have been severely wounded by the premature discharge of a cannon this morning while firing salute of one hundred guns, ordered in a resolution passed by this body yesterday, March 3, 1898, in honor of the centennial anniversary of the Irish Revolution of 1798;

Resolved that this House tender its heartfelt sympathies to each of them and sincerely hope their injuries may not prove fatal.

Resolved, further, That the sergeant-at-arms of this House be directed to present to each of them a copy of these resolutions.

Said resolution was adopted.

The House took from the orders of the day:

S. B. 151. An act to amend an act entitled, "An act to protect citizens of this Commonwealth from empiricism," approved April 10, 1893.

Pending the consideration of said bill the hour of 1:30 o'clock P. M. arrived, and the House took a recess till 3 o'clock.

#### AFTERNOON SESSION.

The House met at 3 o'clock.

Mr. Speaker Beckham in the chair.

The House resumed the consideration of the unfinished business, viz:

S. B. 151. An act to amend an act entitled, "An act to protect citizens of this Commonwealth from empiricism," approved April 10, 1893.

Mr. Mallory moved to amend said bill as follows, viz:

Amend by adding the following:

"But graduates of any legally chartered and regularly conducted school of osteopathy shall be examined by the State Board of Health in the fundamental branches taught in the school at the time the particular applicant graduated, provided this shall always include descriptive anatomy, physiology, and theory and practice of osteopathy. All examinations in the same branches shall be to technically the same regardless of the medical school to which the applicant belongs."

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Cooke and Thompson were as follows, viz:

Those who voted in the affirmative were:

A. C. Brown,	J. M. Lee,	A. B. Pieratt,
A. H. Charlton,	J. R. Mallory,	J. S. Robey,
W. T. Chilton,	J. D. Mocquot,	O. P. Searcy,
Claude Desha,	John M. Moore,	George Traver,
J. B. Depp,	W. A. Morris,	R. E. Watkins,
W. W. Gill,	E. Petty,	R. C. Walker-19.
W. C. Holland,		

Those who voted in the negative were:

M. Abele,	J. A. Ingram,	V. Perkins,
B. W. Bradburn,	J. P. Jeffries,	L. C. Rawlings,
J. L. Brown,	J. H. Lackey,	W. H. Ragland,
A. Bertram,	Joseph F. Laufer,	E. H. Read,
W. H. Cole,	John M. Letterle,	G. Weissinger Smith,
Reuben Conner,	Reuben Morris,	F. G. Shepherd.
T. W. Clark,	J. R. Mount,	J. A. Small,
W. H. Cooke,	R. C. Myers,	Andrew Sargent,
John Collins,	Noah Marsee,	W. T. Sharp,
A. S. Denton,	W. H. McKee,	G. B. Stout,
M. T. Freeman,	F. May,	A. J. Thompson,
C. W. Haverly,	J. H. Minor,	Frank M. Tracy,
J. S. Hood,	J. Mc. Meloan,	South Trimble,
J. A. Humphreys,	M. F. North,	H. S. Vanzant,
John T. Hinton,	Chas. Aaron Nelson,	L. E. Weatherford,
J. P. Haswell, Jr.,	Chas. F. Ogden,	C. A. Wilson,
W. B. Henderson,	Michael O'Sullivan,	David Woods,
G. W. Hickman,	W. C. Pike,	Jas. H. Williams-55.
Anderson Hatfield,		

So said amendment was rejected.

Ordered that said bill be read the third time,

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 8 of an act entitled, "An act to protect citizens of this Commonwealth from empiricism," approved April 10, 1893, be so amended that said section shall read as follows: "Any person living in this State, or any persons coming into this State, who shall practice medicine, or attempt to practice medicine in any of its branches, or who shall treat or attempt to treat any sick or affected person by any system or method whatsoever, for reward or compensation, without first complying with the provisions of this law, shall,

upon conviction thereof, be fined fifty dollars, and upon each and every subsequent conviction shall be fined one hundred dollars and imprisoned thirty days, or either or both, in the discretion of the court or jury trying the case; and in no case where any provision of this law has been violated shall the person so violating be entitled to receive any compensation for the services rendered. To open an office for such purpose, or to announce to the public in any way a readiness to treat the sick or afflicted shall be deemed to engage in the practice of medicine within the meaning of this act."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	L. J. Owen,
Bruce Adkins,	G. W. Hickman,	W. C. Pike,
B. W. Bradburn,	Anderson Hatfield,	V. Perkins,
A. C. Brown,	J. A. Ingram,	A. B. Pieratt,
J. L. Brown,	J. P. Jeffries,	L. C. Rawlings,
A. Bertram,	R. C. Jarnagin,	W. H. Ragland,
W. H. Cole,	J. H. Lackey,	E. H. Read,
Reuben Conner,	Joseph F. Laufer,	G. Weissinger Smith,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
W. W. Combs,	J. D. Mocquot,	J. A. Small,
T. W. Clark,	Reuben Morris,	Andrew Sargent,
W. T. Chilton,	W. J. Mears,	W. T. Sharp,
W. H. Cooke,	R. C. Myers,	G. B. Stout,
John Collins,	Noah Marsee,	A. J. Thompson,
A. S. Denton,	John M. Moore,	Frank M. Tracy,
M. T. Freeman,	W. H. McKee,	South Trimble,
W. C. Holland,	F. May,	George Traver,
C. W. Haverly,	J. H. Minor,	H. S. Vanzant,
J. S. Hood,	J. Mc. Meloan,	L. E. Weatherford,
J. A. Humphreys,	M. F. North,	C. A. Wilson,
W. C. G. Hobbs,	Chas. Aaron Nelson,	R. E. Watkins,

James M. Hall,	Chas. F. Ogden,	David Woods,
John T. Hinton,	Michael O'Sullivan,	Jas. H. Williams-70.
J. P. Haswell, Jr.,		

Those who voted in the negative were:

J. B. Depp,	J. R. Mallory,	J. S. Robey,
W. W. Gill,	W. A. Morris,	O. P. Searcy,
J. M. Lee,	E. Petty,	R. C. Walker-9.

Resolved that said bill do pass and that the title thereof be as aforesaid.

Mr. Cooke moved to reconsider the vote by which said bill was passed, and moved to lay that motion on the table.

Said last named motion was adopted.

And then the House adjourned.

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SATURDAY, MARCH 5, 1898.

The House was opened with prayer by Rev. M. B. Adams of the Baptist church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

The House took from the orders of the day:

H. H. 294. An act to amend and re-enact section 2 of an act entitled, "An act to divide the State of Kentucky into circuit court districts," approved July 1, 1892.

The substitute proposed therefor by the committee was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 2, of the act mentioned in the title of this act shall be and the same is hereby amended and re-enacted so that said section shall read as follows :

"That, whereas it appears by the last enumeration that the thirtieth circuit court district has now a population of more than two hundred and thirty thousand persons, therefore, the judges of the circuit court for said thirtieth circuit court district shall be, and they are hereby increased to five in number.

"An election of such additional judge shall be held at the regular election to be held in November, 1898. He shall take his seat on the first Monday in January 1899; shall be commissioned by the Governor, and shall continue in office until his successor is qualified.

"An election shall be held in each of the circuit court districts to elect a circuit judge, and in the thirtieth circuit court district to elect five circuit judges on the first Tuesday after the first Monday in November, 1903, and every six years thereafter under the general election laws of the Commonwealth; and said judges shall enter upon the duties of their respective offices on the first Monday in January next succeeding their election. They shall be commissioned by the Governor and continue in office until their successors are qualified."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz :

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	V. Perkins,
B. W. Bradburn,	G. W. Hickman,	A. B. Pieratt,
A. C. Brown,	Anderson Hatfield,	L. C. Rawlings,
J. L. Brown,	J. A. Ingram,	W. H. Ragland,



Geo. H. Bishop,	J. P. Jeffries,	E. H. Read,
W. H. Cole,	Joseph F. Laufer,	S. Atwood Smith,
A. H. Charlton,	John M. Letterle,	G. Weissinger Smith,
W. W. Combs,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	J. R. Mallory,	J. A. Small,
W. T. Chilton,	J. D. Mocquot,	Andrew Sargent,
W. H. Cooke,	Reuben Morris,	O. P. Searcy,
J. C. Cantrill,	J. R. Mount,	G. B. Stout,
J. Morgan Chinn,	R. C. Myers,	B. F. Saunders,
John Collins,	Noah Marsee,	Frank M. Tracy,
A. S. Denton,	J. H. Minor,	George Traver,
Claude Desha,	W. A. Morris,	H. S. Vanzant,
W. W. Gill,	M. F. North,	C. A. Wilson,
J. S. Hood,	Emmett Orr,	C. B. Wheeler,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
James M. Hall,	L. J. Owen,	David Woods,
John T. Hinton,	E. Petty,	J. H. Williams—64.
J. P. Haswell, Jr.,		

Those who voted in the negative were:

Reuben Conner,	J. Mc. Meloan,	Ham. Shehan,
J. B. Depp,	Chas. Aaron Nelson,	A. J. Thompson,
W. C. Holland,	W. C. Pike,	L. E. Weatherford,
J. H. Lackey,	J. S. Robey,	R. C. Walker—14.
John M. Moore,	Miles Spurlock,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Moore moved the adoption of the following resolution, viz:

Resolved, That Congressman Bailey, of Texas, be and is hereby invited to address the Legislature during the present session upon the political issues of the day, and a committee be appointed to notify him of the passage of this resolution.

Said resolution was adopted.

Mr. Henderson moved the adoption of the following resolution, viz:

Whereas, The session is nearing an end, and there are many important measures to dispose of; be it

Resolved, That the rules be amended so as to limit debate on any measure to one hour, and that no member can speak longer than fifteen minutes on one measure.

Ordered that said resolution be referred to the Committee on Rules.

The House took from the orders of the day:

H. B. 260. An act providing for the payment of Wilhite Carpenter, H. B. Lyons and J. M. Thomas for their services as commissioners in building the branch penitentiary at Eddyville, by virtue of an act of the General Assembly of Kentucky, approved April 28, 1884.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz:

Whereas, Wilhite Carpenter, H. B. Lyons and J. M. Thomas, by an act of the General Assembly of the Commonwealth of Kentucky, approved April 28, 1884, were designated and appointed commissioners to superintend the construction of a branch penitentiary at Eddyville, and were required to take an oath, execute bond, and give their personal attention and time to said work; and whereas, said Carpenter, Lyons and Thomas did during a term lasting nearly four years, superintend the construction of said penitentiary, purchase material, employ necessary labor, and disburse under the obligations of their bond two hundred and eighty-four thousand dollars, and made a settlement with the Auditor showing vouchers for every detail of expenditure; and

Whereas, For such valuable services so rendered the said Carpenter, Lyons and Thomas have been paid nothing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the treasury of Kentucky the sum of four thousand dollars each to said Wilhite Carpenter, H. B. Lyons and J. M. Thomas, in payment for said services as commissioners, and the Auditor shall, upon application of each of said persons, or the personal representative of any that may be deceased, issue to him a warrant upon the Treasurer for the sum of four thousand dollars.

This act shall take effect ninety days after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Joseph F. Laufer,	S. Atwood Smith,
B. W. Bradburn,	John M. Letterle,	G. Weissinger Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd,
George H. Bishop,	J. R. Mallory,	Andrew Sargent,
Ruben Conner,	J. D. Mocquot,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	G. B. Stout,
W. W. Combs,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	Emmett Orr,	Frank M. Tracy,
Claude Desha,	Harry C. Pulliam,	South Trimble,
W. C. Holland,	E. Petty,	C. A. Wilson,
W. C. G. Hobbs,	L. C. Rawlings,	C. B. Wheeler,
John T. Hinton,	W. H. Ragland,	Jas. H. Williams—37.
W. B. Henderson,		

Those who voted in the negative were:

Bruce Adkins,	G. W. Hickman,	Chas. F. Ogden,
J. L. Brown,	Anderson Hatfield,	Michael O'Sullivan,
A. Bertram,	J. A. Ingram,	L. J. Owen,
W. H. Cole,	J. P. Jeffries,	W. C. Pike,
T. W. Clark,	R. C. Jarnagin,	V. Perkins,

W. T. Chilton,	Reuben Morris,	E. H. Read,
John Collins,	J. J. Marquette,	J. A. Small,
A. S. Denton,	W. J. Mears,	W. T. Sharp,
J. B. Depp,	R. C. Myers,	Miles Spurlock,
M. T. Freeman,	Noah Marsee,	Ham. Shehan,
W. W. Gill,	John M. Moore,	A. J. Thompson,
C. W. Haverly,	F. May,	George Traver,
J. S. Hood,	J. H. Minor,	H. S. Vanzant,
J. A. Humphreys,	J. Mc. Meloan,	L. E. Weatherford,
James M. Hall,	M. F. North,	R. C. Walker,
J. P. Haswell, Jr.,	Chas. Aaron Nelson,	David Woods—48.

So said bill was rejected.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz:

H. B. 90. An act to regulate the repairing and building of school houses in this Commonwealth.

H. B. 191. An act to legalize elections in certain graded common school districts in this Commonwealth.

H. B. 303. An act to amend section 65, title 5, Civil Code of Practice of Kentucky.

H. B. 239. An act for the benefit of James T. Buford.

With an amendment to the last named bill.

That they had passed resolutions and bills originating in the Senate of the following titles, viz:

1. S. Res. 15. Resolution for the benefit of W. W. Prine, of Livingston county.
2. S. Res. 16. Resolution authorizing suit against the State of Kentucky for certain indebtedness incurred by the State militia.
3. S. Res. 13. Resolution to amend and re-enact section 17. and subdivision 5 thereof, of an act entitled, "An act relating to courts of justice," approved June 10, 1893.

4. S. B. 99. An act to amend section 124 and subsection 4 of section 103, Civil Code of Practice.
5. S. B. 106. An act making it unlawful for any corporation to contribute to any campaign funds of any political party, or by promises or threats to influence the vote of any employee of such corporation, and providing penalties.
6. S. B. 179. An act for the protection of female inmates of the Institution for the Education of Feeble-minded Children, the State and society.
7. S. B. 104. An act to regulate the practice of pharmacy in the Commonwealth of Kentucky, and to establish a board of pharmacy and define the duty thereof.

Ordered that said resolutions and bills be referred: The first to the Committee on Claims, the second to the Committee on Judiciary, the third to the Committee on Circuit Courts, the fourth to the Committee on Codes of Practice, the fifth to the Committee on Criminal Law, the sixth to the Committee on Charitable Institutions and the seventh to the Committee on Public Health.

The House took from the orders of the day:

H. B. 91. An act to prevent the cheap sale of delinquent taxes.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That article 13 of an act entitled, "An act relating to revenue and taxation," which became a law without the approval of the Governor November 11, 1892, be amended by adding to said article the following additional section:

"Fiscal courts after settling with the sheriffs of the counties, and allowing and certifying the delinquent lists and after the sale of said delinquents by the fiscal court to the highest bidder the purchaser or purchasers of said delinquents are hereby

authorized to levy on any property owned by the delinquent for the amount of taxes, costs, and penalties as the sheriff is now authorized to do in such cases; Provided, however, The sheriff shall not be allowed to bid on such delinquents.

"The fiscal courts in making settlements with the sheriffs shall not allow any person who listed any personal or real property to be returned delinquent until one year shall have elapsed from the maturity of the taxes due.

There being no law authorizing the purchaser other than the sheriffs to collect the delinquent taxes in the counties of this Commonwealth, there is an emergency for this act becoming a law immediately, and this act shall become a law upon its approval by the Governor."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	R. C. Jarnagin,	A. B. Pieratt,
Bruce Adkins,	J. H. Lackey,	L. C. Rawlings,
B. W. Bradburn,	Joseph F. Laufer,	G. Weissinger Smith,
J. L. Brown,	John M. Letterle,	F. G. Shepherd,
George H. Bishop,	J. M. Lee,	J. A. Small,
A. Bertram,	J. R. Mallory,	Andrew Sargent,
W. H. Cole,	Reuben Morris,	W. T. Sharp,
Reuben Conner,	J. J. Marquette,	O. P. Searcy,
A. H. Charlton,	W. J. Mears,	Miles Spurlock,
W. W. Combs,	W. A. Morris,	G. B. Stout,
W. H. Cooke,	M. F. North,	Ham. Shehan,
J. Morgan Chinn,	Chas. Aaron Nelson,	B. F. Saunders,
W. C. Holland,	Emmett Orr,	A. J. Thompson,
J. A. Humphreys,	L. J. Owen,	South Trimble,
W. C. G. Hobbs,	Harry C. Pulliam,	George Traver,
James M. Hall,	E. Petty,	H. S. Vanzant,
W. B. Henderson,	W. C. Pike,	C. A. Wilson,
G. W. Hickman,	V. Perkins,	R. E. Watkins—55.
Anderson Hatfield,		

Those who voted in the negative were:

W. T. Chilton,	J. A. Ingram,	W. H. Ragland,
John Collins,*	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	Noah Marsee,	C. B. Wheeler,
W. W. Gill,	J. H. Minor,	David Woods,
J. P. Haswell, Jr.,	Chas. F. Ogden,	J. H. Williams—15.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed :

S. B. 67. An act to create a board of penitentiary commissioners and regulate the penal institutions of this Commonwealth.

The objections of the Governor to the contrary notwithstanding.

The objections of the Governor to said bill were read as follows, viz:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., March 1, 1898. }

TO THE SENATE OF KENTUCKY:

Gentlemen: Herewith is returned Senate Bill No. 67 unapproved for the following reasons:

Both our National and State Governments are divided into three departments, and among them is to be found authority for the doing of every act necessary to full and complete administration. The Constitution of Kentucky declares: "The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them to be confined to a separate body of magistracy, to-wit: Those which are legislative to one; those which are executive to another; and those which are judicial to another." (Section 27).

"No person or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted."

The fathers of the Republic, in the inception of the government, with prophetic vision foresaw the evils that might assail the fair fabric of Constitutional liberty which they were about to erect, and by this division of governmental powers undertook to provide against its destruction.

The fathers of the State, with this example of wisdom and patriotism before them, and impelled by the same motives which actuated their predecessors, embraced the same provisions in the State organic law.

Each of these grand divisions acts as an aid or check upon the other, in so far as provided, but aside from that is independent of, and not subject to any encroachment by either of the others.

The legislature has the supreme power to make laws; the judiciary the supreme power to construe and apply them; the executive the supreme power to execute them.

The legislature can not exercise the powers of a court except in case of impeachment; the judiciary can enact no laws; the executive can neither make laws nor exercise the powers of a court, but is charged with the powers of execution.

For dishonorable or corrupt practices, the Legislature may impeach executive or judicial officers; while, on the other hand, the judicial may hold unconstitutional laws enacted by the legislature, and the executive may interpose a veto or refuse to enforce such as are unconstitutional. While the executive may appoint officers, the legislature may withhold confirmation; and, where the judicial is unable to enforce its decrees, and the legislative its laws, the executive may, with the whole power of the Commonwealth, come to their assistance.

These departments, while acting within their proper spheres,



are each a help and check upon the other, the whole constituting a perfect system of government.

Each guards with jealous care its privileges, and promptly resents and resists any encroachment by another; and within this system of checks and balances, and the proper distribution and fearless and faithful exercise of these great powers, rests the security of the citizen and maintenance of a Republican form of government.

The encroachment of one power upon another, if not properly met and successfully repelled, will surely result in confusion and anarchy, and eventually in the destruction of liberty.

Having in view these plain Constitutional provisions and the dire consequences which may flow from their violation, allow me, most seriously, to direct your attention to the provisions of the bill. If indeed, the effect of the bill is the invasion by one department of another, and you may be convinced of that fact, I doubt not that your patriotism will prove equal to the emergency, and that you will decline to pass the bill over the veto of the Governor.

The commissioners provided for are to be elected by the legislature. If they are legislative officers the bill is constitutional; if not, it is equally plain that the bill is in contravention of the fundamental law.

These officers have to perform no legislative duty. They can enact no law, nor could the legislature delegate to them its power to make law (*Clark vs. Rogers*, 81, Ky., 43; *Commonwealth vs. Addams*, 95, Ky., 588). They are not judicial officers, for they are not clothed with judicial powers and can not pass upon property rights; they possess none of the qualifications necessary to the discharge of judicial precedence. And even if they were judicial officers, the legislature could not invade the judicial department by the appointment of its officers.

If these commissioners are neither legislative nor judicial

officers, it follows, of necessity, that they are executive or administrative officers. Their sole duty is to execute the law

This being true the legislative has no power to invade the executive department and appoint or elect officers who are wholly under its supervision and appointment.

The legislative department, under the Constitution, has no right to elect any officers save those who are necessary to the performance of its functions and a United States Senator.

The sovereign people have the sole right to elect all officers except those that may be appointed or elected by each department for the purpose of perfecting its organization, or carrying into effect its mandates; and all officers not elective by the people are appointed or elected by the departments to which their duties especially appertain.

If the General Assembly may elect these officers, they may elect all others. They may elect the officers of every charitable institution, the assistant secretary of the State, the adjutant and assistant general, the sergeant-at-arms of the Court of Appeals, the State inspector and examiners, the State mine and assistant mine inspector and even the private secretary of the Governor.

And if all this power were lodged in the legislative department, and it should exercise it, the legislative hall would be turned into a theatre of contention, strife and "confusion worse confounded."

After the various contests were ended, there would be no time remaining for enacting laws, and the very object of the creation of that department would be defeated. Experience in the election of a United States Senator alone has demonstrated the truth of this assertion.

If the commissioners are in fact, executive officers the Constitution and decisions of the courts deny to the General Assembly the power to elect or appoint them.

The Constitution of Ohio prohibits the Legislature from

exercising the appointing power, but nevertheless, the decision in the State vs. Kenton 9, Ohio 547, throws light on the question under discussion.

The General Assembly of that State undertook to create a board charged with authority to appoint State House Commissioners and Directors of the Penitentiary.

In passing upon this law the court held it unconstitutional, saying (page 557): "The official or unofficial character of the officers is to be determined, not by their name, nor by the presence or absence of an official designation, but by the nature of the functions devolved upon them." And at page 560, continuing, the court says: "To prescribe the manner of elections or appointment to office is an ordinary legislative function. To make an appointment is an administrative function."

The Constitution of Kentucky does not prohibit the Legislature literally from electing or appointing executive or administrative officers, but clearly forbids it by declaring in unequivocal terms that it shall not exercise any function belonging to either of the other departments, except when such right is expressly "permitted or directed." No such right is even remotely, much less expressly, permitted or directed as to the officers created by this bill.

The Constitution of Indiana is almost identical with ours as to the distribution of the powers of government. The General Assembly of Indiana created by statute a State Board of Tax Commissioners, naming the persons who should constitute it. In passing upon the constitutionality of that measure the Supreme Court said, speaking of the three great departments:

"The powers of these departments are not merely equal, they are exclusive in respect to the duties assigned to each, and they are absolutely independent of each other. The encroachment of one upon the other is watched with jealous care, and is generally promptly resisted, for the observance of this decision is essential to the maintenance of a Republican form of government." "It cannot be contended (479) that the State Board

of Tax Commissioners belongs to the legislative department, for it has no power to enact laws. The General Assembly cannot delegate its law-making powers to any other person or body. It cannot be successfully maintained that the legislature could confer upon the Governor of the State and the principal administrative officers of the State duties pertaining to the judicial department. As the State Board of Tax Commissioners is neither a legislative body nor a court, it must belong to the executive or administrative department.

"That it does belong to that department, we think, is too plain for argument. It is charged with the duty of executing certain provisions of the revenue law, and when it has performed that duty its function is ended."

It is perhaps necessary to add that the act was declared unconstitutional.

In the case of *Evansville vs. the State*, 118 Ind. 426, the court held: "The power to appoint to office is an executive function, and while the legislative may provide by law for the appointment of all officers not provided for in the Constitution, the appointing power must be lodged somewhere within the executive department of the government."

The Court of Appeals of Kentucky, in *Morgan vs. Vance*, 4 Bush, 323, decided that the fixing of qualifications for officers by the legislative, under authority conferred by the Constitution from which was omitted any provision of disqualification by reason of the officials having fought a duel, or participated therein, could not dispense with the taking of the dueling oath or render the person eligible, because the power of the removal of such disqualification was given alone to the Governor, and the legislature could not exercise it.

The highest court of the United States (the Supreme Court) has always guarded with jealous care the rights belonging to each department of the Government, and in *Kilborne vs. Thompson*, U. S. S. C. Rep., vol. 103, p. 168, that court held that the Congress of the United States had no power to pun-

ish for contempt, a witness who appeared before it, for refusing to answer a question regarding private citizens whose interests were then involved in a judicial action, the court holding that the action of Congress under such circumstances was an invasion of the judicial power. Indeed, we find from the very definition of "legislative power," that the authority attempted to be asserted in this bill is beyond its scope.

In the American Encyclopaedia of Law, vol. 13, page 222, it is defined to be: "The authority under the Constitution to make laws and to alter and repeal them."

In support of which are cited numerous adjudications of the State and Federal courts and elementary authorities.

As said in my first message to your honorable body, I believe that penitentiaries and charitable institutions should be placed under non-partisan control. The officials now intrusted with these affairs can not, after attending properly to the discharge of the duties of the offices they hold, give that time and attention to these institutions that the best interests of the State demand. Past experience shows that under the rule of no party in this State has there been given to these institutions that special care which they require, and that time and again men who have acquired experience valuable to the State have been removed and inexperienced men appointed to their places in order to gratify some political or personal friendship. On each occasion the State has been compelled to pay for the experience of appointees until they became qualified. This has been an endless chain, which in my judgment should be broken forever.

Such officers should be appointed solely by reason of experience and qualification, and these institutions rescued from the ever-varying changes of politics and personal preference.

The bill in question does not guard in any way against the mistakes of the past, but in my opinion will result in making more partisan the management of these institutions by throwing out of office, in the midst of their terms, men against whom

no charge of incompetency can be preferred, and who have made sacrifices by giving up their business at home to accept these positions, and turning loose, without any curb whatever upon it, a board who will doubtless create and supply vacancies in a spirit of partisanship or personal friendship.

That any officer who has shown himself dishonest and incompetent should be removed, will not be controverted; but to remove all, or give the power to do so, indiscriminately, without cause and without charge, seems to me unjust and impolitic, and can but result in evil to the State.

Non-partisan control, which would make efficiency and experience alone the test, could be safely trusted to assume the management of these institutions, but a control, such as that provided for in the bill, would only add to any viciousness of the system which has for so long prevailed in the State.

I will add that in my judgment, the emergency declared for this bill does not exist, in fact.

Believing that the bill will result in detriment to the Commonwealth if carried into execution, that in its execution partisan control will be augmented rather than diminished, that it is an invasion of the executive department and unconstitutional, with profound respect for your opinion, and without questioning the motive of any member of this body, in discharge of what I believe to be my duty under the Constitution, this message is communicated.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a board of commissioners is hereby created to govern the penitentiaries of this Commonwealth. Said board shall consist of three members, to be elected by the General

Assembly on or before the tenth day of March, 1898. One of whom shall hold his office to be determined by lot of commissioners elected, for the term of two years, one for the term of four years and one for the term of six years, or until their successors are elected and qualified. The General Assembly shall in 1900 elect a successor to the commissioner whose time expires in two years from the passage of this act. The General Assembly in 1902 shall elect a successor to the commissioner whose time will expire four years from the passage of this act, and the General Assembly in 1904 shall elect a successor to the commissioner whose time will expire six years from the passage of this act, and each succeeding General Assembly shall at their regular session elect one commissioner who shall hold his office for the term of six years, and who shall before entering upon the discharge of his duties execute a bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars for the faithful discharge of his duties; said bond to be approved by the Chief Justice of the Court of Appeals and filed with the Auditor of Public Accounts. Said commissioners shall each receive as compensation for their services two thousand dollars per annum, payable monthly, out of the State Treasury, and traveling expenses when in discharge of their duties. No person shall be appointed to the office of penitentiary commissioner who has not been a citizen of Kentucky continuously for the last five years previous to and up to the time of his election or appointment, and who is not 25 years of age, and who is a contractor in the penitentiary, or the agent or employee of any such contractor or who is interested, either directly or indirectly in any kind or branch of business in said penitentiary, or who shall at the time hold any other office under the laws of this State; and no such commissioner shall hold any other office or accept any appointment under this or any other law of this State, during his continuance in office as such commissioner. Vacancies in said board occasioned by death, resignation or otherwise shall be filled by appointment by the Governor until the next regu-

lar session of the General Assembly when such vacancy shall be filled by election by the General Assembly.

The General Assembly may, at any time, remove any or all the members of said board of commissioners with or without cause.

The duties of said board shall be as hereinafter described.

Sec. 2. A warden for each penitentiary shall be elected by the commissioners of the said penitentiaries, who shall hold his office for the term of four years; but the commissioners shall have the power for cause, to remove any warden and appoint or elect his successor, and the action of said commissioners thereon shall be final and conclusive.

Before entering on the discharge of the duties of the office the warden shall take the constitutional oath, and execute a covenant to the Commonwealth of Kentucky in the sum of sixty thousand dollars, with two or more good sureties, to be approved by said commissioners, whose duty it shall be to take said bond, and shall file the same with the Auditor for safe keeping, to the effect that he, as warden, shall faithfully discharge and perform all of the duties required of him, and all the obligations imposed upon him according to law, and that he shall faithfully account for all money that may come to his hands, and pay the same into the State Treasury, when and as required by the commissioners, and that he shall faithfully account for all the property in his hands or under his control belonging to the State when he ceases to be warden, or is required to do so by said commissioners, and if at any time, the commissioners shall deem the sureties on the bond of the warden insufficient, it shall be their duty to require him to give an additional bond, with sufficient security, which additional bond shall in no wise impair, lessen or effect the liability of the sureties on the original bond to the Commonwealth, and if said warden declines, neglects or fails to give such additional bond within thirty days after the said commissioners serve notice on him requiring him to do so, they shall declare



the office of warden vacant, and shall fill the vacancy by appointment.

Sec. 3. It shall be the duty of the wardens to take charge of all convicts in the penitentiary, and of all such as may, from time to time, be delivered to him according to law during his term of service, and them safely keep in the manner prescribed by law. He shall take charge and control of all the property belonging to the State, in or appertaining to the penitentiaries, and the same to use and employ in the administration of the affairs of the penitentiaries, as provided by law. He shall maintain strict discipline in the management and government of the prisoners, and may enforce the observance of discipline and proper deportment, and also industry among the prisoners by reasonable penalties and punishments, but is prohibited from inflicting cruel or inhuman punishments, and no corporeal punishment shall be inflicted upon the prisoners except in the presence of the warden or deputy warden. No corporeal punishment shall be inflicted until at least twelve hours have elapsed after the offense has been committed for which the punishment is inflicted. If at any time the labor of the convicts confined in the penitentiaries is not hired out to a contractor or contractors, as hereinafter provided, the warden shall employ said convicts, such as are not sentenced to solitary confinement, in useful labor, as far as practicable, such as may be profitably conducted within the prison walls, but he shall not, directly or indirectly, be personally interested in a pecuniary sense, in any business or enterprise carried on or conducted in the penitentiaries or by the labor of the convicts. For the violation of this provision he shall, upon conviction, be fined in any sum not exceeding five hundred and not less than one hundred dollars, and shall be removed from office by the commissioners. If any warden shall take, sell or give any article of property in said penitentiaries belonging to the State, with the felonious intent of converting the same to his own or to the use of another, he shall be deemed guilty of the crime of embezzlement, and

upon conviction, shall be confined in the penitentiary not less than one nor more than ten years. The warden shall reside in the dwelling near the penitentiary belonging to the State, and shall have the same, with its appurtenances, free of rent. The warden may, with the approval of said commissioners, make such alteration and repairs in the workshops and such repairs in the machinery as may be necessary; but this provision shall not be construed to authorize the erection of any new buildings. It shall also be the duty of the warden, first, to carefully surpervise the government, discipline, and police of the penitentiary; second, to give all the necessary directions to the inferior officers and guards, and secure a careful and diligent discharge of their several duties; third, to examine daily into the state of the penitentiary, and the health, diet, comfort and safety of the convicts; fourth, to report quarterly, to said commissioners the number of guards employed, their names and duties, and such other matters as may be required; fifth, to provide all food and clothing necessary for the use of the prisoners, under such rules and regulations as may be made by the board of commissioners, the cost of such supplies to be paid out of the treasury, on proper vouchers, to be approved by said commissioners; sixth, to furnish each convict upon the termination of his sentence, or his release by pardon, with five dollars and a suit of servicable clothing, suitable to the season, and with transportation, not transferable, to the county from which he was sent, at the expense of the State; seventh, and generally to have charge of all the departments of the penitentiary and its officers. It shall also be the duty of the warden, at regular intervals, to be prescribed by the commissioners, to inspect and cause to be thoroughly cleaned and aired all the cells, to see that a sufficiency of clean and comfortable bedding is provided for each convict, and he shall cause the cells and beds and bedding to be thoroughly inspected at least once every week.

Sec. 4. The warden shall balance his cash account each month and report the same to the commissioners; and on the

first Monday of each month he shall pay into the State treasury so much of the funds in his hands as, in the opinion of said commissioners, is not required for the current use of the penitentiary. He shall deposit all money remaining in his hands, not deposited in the treasury, in some bank selected by him, to his credit as warden, and he shall be allowed no credit in the settlement of his accounts unless he shall produce the receipt of the person to whom money was paid by him, which receipt shall show upon its face for what the money was paid; and the books of the warden and his clerks shall at all times be open to the inspection of any committee of the Legislature and to the commissioners.

Sec. 5. The warden shall, with the advice and consent of the commissioners, contract for and purchase all the necessary raw material and all supplies necessary to maintain, conduct and carry on the business of the penitentiary, as provided by this act, and all articles purchased for the penitentiary, and all articles of manufacture, and other things made or fabricated in the penitentiary, by the labor of the prisoners, when the same are sold from time to time, and all work done for others, shall be reported to the clerk of the penitentiary, whose duty it shall be to enter the same in the regular account books of the penitentiary.

Sec. 6. It shall be the duty of the commissioners, if at any time they deem it necessary, to appoint a deputy warden for each penitentiary, who shall hold his office for a term of four years; Provided, He be not removed by commissioners for cause. Before the deputy warden enters upon the discharge of his duties he shall take an oath to faithfully discharge the duties imposed upon him by law. And he shall give bond to the Commonwealth of Kentucky in the sum of twenty-five thousand dollars, with such sureties (not contractors in said prison) as the said commissioners may approve, which bond shall be conditioned for the faithful discharge of his duties as deputy warden, and said bond shall be deposited for safe keeping with the Auditor of Public Accounts. It shall be the duty

of the deputy warden: First, to attend daily at the penitentiary from the hour of unlocking in the morning until after the prisoners are locked up at night; second, in the absence of the warden from the penitentiary; or during his sickness, the deputy warden shall be present and take general charge of the penitentiary as warden; third, he shall spend the whole day in the general supervision and assistance of the prisoners, direct them in their duties, receive reports from the assistants of all disobedience or violation of the rules by any person connected with the penitentiary, and report the same to the warden; fourth, he shall keep a book in which shall be entered every transgression of the published rules of discipline, with the name of the person or prisoner so guilty, which record shall be submitted to the commissioners at each of their regular meetings; fifth, he shall examine the locks and doors and cells of the penitentiary daily; sixth, he shall constantly be moving about the penitentiary, visiting frequently, but irregularly, and without notice, the work-shop, kitchen, hospital, and all other departments of the penitentiary; seventh, he shall be present and preside at the meals of the prisoners, unless his place is taken by the warden.

The duties to be performed by the deputy warden shall devolve upon one of the guards, to be selected by the warden, in case the deputy warden is absent from the prison or is unable to perform his duties from any cause; Provided, The warden shall be responsible on his official bond for the conduct of the guard so appointed.

Sec. 7. The commissioners shall appoint a clerk for each penitentiary who shall hold for a term of four years; Provided. He be not removed by the commissioners for cause; who shall keep the accounts of the penitentiary in such manner as to exhibit clearly all the financial transactions relating to it. He shall keep a register of convicts in which shall be entered the name of each convict, the crime for which he was convicted, the date of conviction, date of entry, period of sentence, when discharged, from what county, by what court sentenced, his

nativity, an accurate description of his person, and, if known, whether he has been previously confined in the penitentiary of this or any other State, and when and how he was discharged.

The clerk shall also keep a book in which shall be recorded every punishment inflicted in the penitentiary, specifying the offense committed, the character and extent of the punishment, and its effect upon the prisoners. He shall also keep a book in which he shall enter, monthly, the deportment of each prisoner, and each prisoner against whom no charge of misconduct is sustained, shall be allowed a commutation of seven days in each calendar month for good behavior, subject, however, to revision and curtailment by the commissioners for offenses against the rules of the penitentiary or the laws of the State.

Before entering upon the discharge of his duties, he shall give a bond to the Commonwealth of Kentucky, with good surety, to be approved by the commissioners, for the faithful discharge of his duties, and the payment of all monies that may come to his hands, to the person or persons entitled thereto.

Sec. 8. The commissioners shall appoint a competent and skillful physician for each penitentiary to hold his office for a term of four years; Provided, he be not removed by the commissioners for cause.

He shall attend to and give his entire time to all convicts needing medical treatment, make proper prescriptions, and give proper directions in each case, and determine when convicts shall be able or unable to perform work, subject to appeal to the board. The hospital shall be managed under his direction and he shall prescribe the proper food, nourishment and treatment of the sick, and have a general care over the health of the convicts.

He shall, daily, visit the kitchen, examine the kind and quantity of food which is furnished to the convicts, and recommend to the warden such change of diet as he may deem best for the health of the prisoners. He shall obtain a sample of all food and clothing, and exhibit same to board of com-

missioners. He shall keep a book, to be called a "Hospital Register," in which shall be entered the names of all prisoners sick or complaining who required medical treatment, with the disease of each, and his prescription therefor.

Sec. 9. The commissioners shall appoint a chaplain for each penitentiary to hold his office for a term of four years; Provided, He be not removed by the commissioners for cause; whose duty it shall be to preach to the convicts, male and female, every Sunday, to furnish them proper religious instruction, to visit those who are sick or despondent, and to use his best exertions to promote the religious and moral welfare of the prisoners, as well as the harmony and general interests of the penitentiary; but any regular authorized minister of the gospel may visit the penitentiary and minister to the spiritual necessities of the prisoners on the first day of the week, and may visit the hospital on any day, under such rules and regulations as may be adopted for the penitentiary.

Sec. 10. It shall be the duty of the chaplain to hold himself in readiness to teach such convalescents or others, whose task being performed within less than the required hours of labor, might wish to avail themselves of his assistance, either for spiritual instruction or to try to acquire an elementary education, and the chaplain shall be required to devote his entire time, work-days as well as Sundays, to the performance of these duties.

Sec. 11. It shall be the duty of the warden to appoint such guards as may be necessary to safely guard the prisoners, to carry out the government of the penitentiary, and enforce the rules and regulations, prescribed by the commissioners, and execute the orders of the warden, the appointments to be subject to the approval of the board of commissioners, who shall have power to reject such appointments for any cause, which shall be entered on the minutes of the board in writing.

The warden shall have power, at any time, to remove any such guards with the consent of the commissioners.

Sec. 12. If any of the guards or other officer of the pen-

itentiary, or other person than a convict, shall procure, aid or abet any of the convicts therein to escape therefrom, or shall induce or persuade or attempt to induce or persuade, any of the convicts therein to escape or to attempt to escape, every person so offending shall be deemed guilty of felony, and upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years.

Sec. 13. It shall be the duty of the commissioners to hire out to a contractor or contractors, all the convicts able to perform manual labor, to be worked within the walls of the penitentiaries. Such hiring shall be to the highest and best bidder, after due advertising, and the labor in both penitentiaries may be hired to one person, or the labor in whole or in part, in each penitentiary, may be hired to different contractors. The commissioners shall make it a condition precedent to the consummation of the contract; that the number of the convicts so hired may vary, and such variation in number shall in no wise affect the contract or impair its obligation. Each bid shall specify the price proposed to be paid for the labor per head, and shall be accompanied by a bond with sureties, who shall be worth in the aggregate double the amount that may be due the State at any time under the stipulations of the proposed contract to the satisfaction of the commissioners, that the bidder will comply with the terms thereof. The bid shall be opened by the commissioners on the last day named in the advertisement for receiving the same, and be awarded to the highest and best bidder; the commissioners having the right to reject all bids. The price agreed to be paid shall be paid in monthly or quarterly installments by the contractor, as the commissioners may determine; and it is hereby made a condition precedent to the contract, that on failure of lessee or lessees, to pay any installment within one month after same is due, the commissioners may elect to declare the lease forfeited for non-payment of rent, giving the lessees thirty day's notice in writing declaring a forfeiture thereof, and the commissioners may take possession

without further notice. The term for which said convicts may be hired shall not be more than four years, with the privilege of renewal and the contractor shall obligate himself to faithfully conform to all the rules and regulations that may be established by the commissioners, touching all sanitary and police matters, and for the government of the prison. Upon the execution of the bond, as above required, on the acceptance of the bid, the contractor shall be entitled to the labor of said convicts, the various shops, and the power therein, belonging to the State; but if after due advertisement, as above set forth, the commissioners fail to secure such a bid as is acceptable to them, then they may hire the convicts to a contractor or contractors, by private contract, and such contract, when made, shall be consummated in all respects, and shall contain the same stipulations and provisions as is required in this section for a contractor who hires said convicts by public bid.

Whenever the bond of any contractor shall be deemed insufficient by said commissioners they shall require such additional security as may be necessary to make the bond to the State amply good and sufficient. The commissioners shall have power to furnish for the use of the prisoners such reading matter of a religious, literary and scientific character as in their judgement will tend to develop the moral and business character of the prisoners, and for which purposes one hundred dollars per annum is hereby appropriated out of any money in the treasury not otherwise appropriated.

Sec. 14. For every breach of any of the conditions of the bond or contract executed by any contractor, suit may be instituted thereon against said contractor or contractors and their sureties in the name of the Commonwealth in the Franklin Circuit Court.

Sec. 15. All prisoners hired under the contract as herein provided shall remain under prison police and government; and persons who are not convicts shall not associate with the prisoners so hired, or any of the prisoners, except the contractor or his agent, and such foreman and skilled mechanics as



shall be necessary to conduct the business; all of whom, however, shall be required to observe the rules of the penitentiary, and any may be expelled for a failure to do so.

Sec. 16. In the event of failure, after faithful effort to hire the labor of the convicts, as herein required and it becomes necessary for the wardens to carry on the business of the penitentiaries, then the said commissioners shall furnish the wardens with such amount of money out of the State treasury, as may be unexpended out of an appropriation of \$300,000, under an act of the General Assembly of this Commonwealth approved May 5, 1893, from time to time, as may be needed to place the institutions, or either of them, on proper footing for successful operation, or so much thereof as may be necessary, is hereby appropriated out of any fund in the State Treasury not otherwise appropriated, to be paid out by the Treasurer on warrants of the Auditor, which warrants shall be issued by the Auditor, only at such times and for such amounts as the commissioners may, by order of the board, direct. The business of the institution shall be conducted as near as possible on the cash system, and no account of the work done or articles sold shall be permitted to run longer than four months. Actions or suits for the recovery of money upon any debt, demand or claim for work done by labor of the convicts, or for manufacturers, or for articles sold, or upon any contract made with the warden, shall be brought and prosecuted in the name of the Commonwealth of Kentucky in the Franklin Circuit Court; and the affidavit of the clerk of the prison certifying that such debt, claim or demand is just and correct, shall be prima facie evidence that the same is justly due and owing, and the onus shall devolve upon the defendant or contesting party to prove the contrary.

Sec. 17. Any contractor for the labor inside the walls of the prison may, with the advice and consent of the commissioners, introduce such machinery in the prison as may be necessary to conduct any business or manufacture inside the prison, but such business shall not be destructive of the health of the convicts,

and under the termination of his contract such contractor shall have the right to remove such machinery or be paid for the same by the State at its fair cash value.

Sec. 18. Before entering upon the discharge of their duties under this law the commissioners shall take an oath to faithfully and impartially discharge the same to the extent of their ability.

When any duty is required of them in this law, it shall be competent for a majority of them to act, if all can not be present and participate, except as to the appointment of the officials and in the advertisement for acceptance of bids, and making contracts and taking bond from the contractors for the labor of the convicts.

As to these matters, all of said commissioners must participate, unless prevented by unavoidable casualty.

It shall be their duty to formulate and prescribe, for the use of the penitentiaries, all needful regulations and by-laws for the government and discipline of the penitentiary, the rules for the government and conduct of the warden, deputy warden, and all the officials connected with the penitentiary; also for the government of the prisoners in their deportment and conduct. They shall prescribe the character of the food and diet of the prisoners. They shall also prescribe all needful rules for the preservation of the health of the convicts, for the daily cleansing of the penitentiary, for the cleanliness of the persons of the convicts, and for the general sanitary government of the penitentiary and the prisoners in all particulars, the character of the labor, the character and quantity of food and clothing, and the length of time during which the convicts shall be daily employed.

It shall be the duty of at least one of their number to visit each of the penitentiaries each day, and at least once a month in a body, for the purpose of examining the condition of the penitentiaries, the management and condition of the convicts, and whether or not the rules are being obeyed and enforced.

They shall hold stated monthly meetings on the first Tues

day in each month, and such call meetings as the chairman, or any two of its members, may demand; and shall keep, in a book kept for that purpose, a full record of their proceedings. They shall cause the rules and regulations prescribed by them, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places within the cell houses and in the work-shops.

It shall also be their duty to keep in repair the penitentiaries, and, if at any time, the same should be so seriously out of repair as to render delay imminently dangerous, may make such expenditures as are necessary to fully protect the State's property.

They shall cause the convicts to be classified so that the old and hardened criminals shall not be thrown with the youthful criminals, so far as the same can be done without in any way interfering with the free use of all the convicts that may be hired to any contractor or contractors.

Sec. 19. The salaries of the wardens, deputy wardens, physicians, chaplains, and the wages of the guards shall be paid monthly out of the State Treasury, and the Auditor of Public Accounts shall draw his warrant upon the treasury therefor, in favor of each of said officials, upon the written order of the chairman of the commissioners, and they shall respectively receive the following salaries, to-wit:

The warden, two thousand dollars per annum; the deputy warden, one thousand two hundred dollars per annum; the physician one thousand two hundred dollars per annum; the clerk, one thousand two hundred dollars per annum; the chaplain, one thousand two hundred dollars per annum; the guards or assistants for each penitentiary, sixty dollars each per month.

No official connected with the penitentiaries shall be directly or indirectly, connected or concerned with any contract for furnishing the warden or any contractor any materials for manufacture or use in the penitentiary, or any supplies or produce to be used in the penitentiary or by the convicts, in any way whatever, and they shall not be interested in a financial

way, with any business carried on by convict labor. For a violation of the provisions of this section the official so violating shall be, for each offense, fined one thousand dollars.

Sec. 20. The warden and clerks of the penitentiary shall once in every year, and oftner if so required by the commissioner, at such time as the commissioners may appoint, make a full general settlement of their account vouchers and books with said commissioners, who shall annually report said settlement together with all other matters pertaining to said penitentiaries and management of same, to the Governor, which report shall be laid before the next General Assembly.

The said commissioners are hereby directed and empowered to examine into all existing contracts for labor of convicts or sale of manufactured products of the penitentiaries, and if they find that they are not beneficial to the State, or that the contracts have in any way been violated, they are directed to annul such contract, and, if necessary, by legal proceedings, in the name of the Commonwealth. For the purpose of paying salaries of officers, guards, and all other employees provided for in this bill and carrying out other provisions thereof, the Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon any funds in the treasury, not otherwise appropriated, upon written request of the board of commissioners; entries of this must be made in a book kept especially for the purpose, and attested by the clerk.

Inasmuch as the present contract as to the use of convicts demand immediate attention and revision, an emergency is declared to exist, and this act shall take effect from its approval by the Governor.

The question being taken on the passage of said bill, the objections of the Governor to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

## Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	A. B. Pieratt,
Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	J. S. Robey,
A. C. Brown,	Joseph F. Laufer,	S. Atwood Smith,
J. L. Brown,	John M. Letterle,	G. Weissinger Smith,
George H. Bishop,	J. M. Lee,	F. G. Shepherd,
A. Bertram,	J. R. Mallory,	J. A. Small,
Rueben Conner,	J. D. Mocquot,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
W. W. Combs,	W. J. Mears,	G. B. Stout,
T. W. Clark,	John M. Moore,	Ham. Shehan,
W. T. Chilton,	W. A. Morris,	B. F. Saunders,
W. H. Cooke,	J. Mc. Meloan,	A. J. Thompson,
J. C. Cantrill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	E. Petty,	R. E. Watkins,
W. C. Holland,	W. C. Pike,	R. C. Walker,
J. A. Humphreys,	V. Perkins,	Jas. H. Williams—67.
W. C. G. Hobbs,		

## Those who voted in the negative were:

W. H. Cole,	J. A. Ingram,	Chas. F. Ogden,
John Collins,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	R. C. Jarnagin,	Andrew Sargent,
C. W. Haverly,	Reuben Morris,	W. T. Sharp,
J. S. Hood,	Noah Marsee,	H. S. Vanzant,
James M. Hall,	F. May,	C. B. Wheeler,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods—22.
Anderson Hatfield,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 248. An act to provide for the creation and government of suburban districts.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That whenever a majority of the resident voter taxpayers and a majority of the voters of any territory (not including in its boundary a city), beyond one and within five miles of cities of the second class, in counties having a population of fifty thousand and over, shall file in the county court a petition describing by metes and bounds the territory, and praying that such territory be created a suburban district, and be called a desired name, and deposit with the clerk of said court an amount of money to be fixed by the court sufficient to defray the expenses of the proceedings provided for herein, and said court shall cause said petition to be printed in each and every issue of any newspaper published in said county for thirty days succeeding its filing, and if there be no such newspaper, then published in such way as the court may by order direct; and with the said petition shall be printed or published a notice that on a day fixed by the court, not earlier than thirty days or later than sixty days after the filing of the petition, it will hear proof concerning the prayer of the petition; and if on said hearing the court is satisfied that a majority of the resident voter taxpayers, and a majority of the voters in the described territory favor the creation of the territory into a suburban district, it will enter an order declaring said territory, describing it, a suburban district, to be known as "The Suburban District of....." the name prayed, or another, if for any reason the one prayed for is objectionable.

Any resident voter taxpayer or voter in the territory may object to the granting of the prayer of the petition.

The court may require of the objectors security for costs.

The testimony of witnesses shall be given orally and recorded by a stenographic reporter, who shall be allowed a reasonable compensation to be agreed upon; or, failing that, fixed by the court, and shall be taxed as costs.

The court may appoint two commissioners, who shall be first sworn to faithfully discharge their duty, and shall then together, personally see every resident voter taxpayer and voter in the described territory known to them, or of whom they may be informed, and obtain their signatures to a petition for, or remonstrance against, the formation of the suburban district.

They shall report said petition and remonstrance, and the names of all such persons whom they failed to see, and the reasons thereof, and also the names of all persons refusing to sign either petition or remonstrance.

They shall also indicate after the name of each person signing or reported by them, which are voters and which resident voter taxpayers.

The commissioners shall in no way solicit the persons to sign the petition or remonstrance, or to refuse to sign either, and when they make their report they shall make oath that they have done neither; and if it shall be found by the court that they have done either, the one offending shall be held to be in contempt of court, and fined or imprisoned, either or both, the fine not to exceed five hundred dollars, or the imprisonment six months.

Their report shall be subject to exception, but when confirmed shall be conclusive of all facts stated in it.

If on final hearing the prayer of the petition be granted, the district shall reimburse the petitioners their reasonable expenses, including attorneys' fees, in their application, to be

fixed in the order of the court, and if there were objectors, adjudge the costs of trying the issue raised by the objectors against them.

If the prayer of the petition be denied, the petitioners shall be adjudged to pay all costs.

No less than ten nor more than twenty-five petitioners, representing a majority of the voters, shall be named in the petition.

Either side may appeal to the circuit court, the judge of which shall decide the case finally on the testimony taken before the county court, and shall certify to the county court the order to be entered in the case.

A copy of the petition, objection, report of commissioners, if any, judgment of the county court and transcript of the testimony, certified by the county judge, must be filed in the circuit court within sixty days after the day of the entry of the judgment of the county court, or the appeal shall be lost.

The final order of the county court shall be certified to the Secretary of State and Auditor of Public Accounts at the Capital.

Sec. 2. The county judge shall, as soon as permitted by law, establish in the district one or more election precincts; and if in so doing other election precincts be disturbed, re-arrange them.

Separate ballots shall be provided for the election of officers in the district.

There shall be registration of the voters in the district, as provided by law for voters in cities of the first, second, third and fourth class.

Sec. 3. Suburban districts created under this act shall be governed by a board of trustees consisting of seven members, all of whom shall be owners of real estate in said district, and shall be elected at the first annual election after the crea-



tion of said district. After the first election they shall be elected for a term of two years.

At the first election the four who shall receive the greatest number of votes shall be elected for a term of three years, the other three for a term of one year.

The trustees shall continue in office until their successors are elected and qualified. Their terms shall begin on the first Monday in January after the election.

At the first meeting each year the trustees shall elect one of their number president of the board, who shall preside at all meetings, voting as other members, and continue in office until his successor is elected.

Sec. 4. The board of trustees shall meet in some public place in the district not less than once in each month.

They shall be the sole judges of the election and qualification of their members, and shall fill all vacancies.

They shall make, and may alter or amend, rules governing their meetings and the business thereof. A majority of the members elect shall constitute a quorum and a majority of those present shall determine all questions.

They shall not change the place of meeting, or time of regular meeting, without first posting notice of such change for one month in a conspicuous place in front of their last place of meeting.

No appropriation of money exceeding one hundred dollars in the aggregate, during a current month, shall be made save at a regular meeting, for other than the ordinary current expenses of the district and not then unless the motion therefor has been entered on the minutes at a former regular meeting.

They shall cause a journal to be kept, wherein all their proceedings shall be set forth at length, and it shall be read aloud at each succeeding meeting before approved; said journal shall be a public record, and open to inspection at all reasonable times.

The president of the board of trustees shall be the chief officer of the district, and shall receive not to exceed two hundred dollars annually as salary, to be fixed before election.

His duties as executive officer, and his salary within said limit, shall be prescribed by said board.

Said board shall appoint a clerk and a treasurer, and may appoint such other officers or agents as they may, from time to time deem necessary, for terms not exceeding two years, and shall prescribe their bonds, duties and compensation and may remove them for cause.

All officers shall take the oath of office prescribed by law.

Sec. 5. The board of trustees of the district shall have power to levy and collect taxes to the limit allowed by the Constitution, and in addition thereto for the exclusive use of the common schools in the district, not to exceed thirty-five cents on the one hundred dollar valuation of taxable property in the district; and shall also have power to incur debt for the district, to the extent and in the manner provided for in the Constitution. The assessment of property for State taxation shall be the assessment for district taxation, and all taxes shall be collected at the same time, in the same manner, and the same penalties shall attach as in the case of State taxes, and the same lien shall exist for them, and if the sheriff of the county and board agree, the sheriff of the county shall collect the district tax and pay the same over to the district treasurer, at the same time and under the same penalties as he does the State taxes.

The compensation of the sheriff shall be agreed upon. If no agreement is made with the sheriff, the board of trustees shall appoint a collector of taxes, who may be the treasurer, and he shall, in respect to collection of district taxes have the same power as the sheriff has as to State taxes. The sheriff or the collector of taxes shall give bond to the district for the faithful performance of his duties as to collection of taxes, or the said board of trustees may appoint as special assessor some

competent citizen of said district, who shall hold his office during one year and until his successor shall qualify, who shall assess all persons and property liable to be assessed under the State law and taxed in said district for district purposes. He shall before entering upon the discharge of his duties, give bond with approved security before said board of trustees to said district, conditioned for the faithful discharge of his duties as assessor of said district, and take an oath, which the chairman of said board of trustees may administer, that he will faithfully and impartially discharge the duties of his office.

Said special assessor shall, in a book to be provided for that purpose by the board of trustees, list and assess, at a fair cash valuation, all the property liable under the State law to be listed and valued and taxed for district purposes, with the names of the owners of such property, and the names and ages of all persons liable to work the public roads in said district. Said assessments shall be made as of the fifteenth day of September of each and every year. He shall make return of his book to said trustees on or before the first Monday of December of each year.

Said board of trustees shall have the power to appoint three competent resident citizens owners of real estate of the said district, other than members of the board, supervisors of tax for said district assessment, who shall be sworn by the chairman of said board faithfully to perform their duties before they act, and who shall hold their offices for one year, and until their successors shall qualify.

As soon as said trustees shall receive the book of assessment from the assessor, they shall convene the supervisors, and place in their hands said book. The said assessor shall attend their sittings, and give such information as may be required and in his power to said supervisors touching the assessments made by him, and perform such other duties as may be required in their work.

The supervisors shall examine the assessments and correct

any error, and if, in their opinion, any property listed has not been correctly valued, they shall fix a fair valuation on it; and they shall assess any property which may have been omitted by the assessor which ought to have been assessed; they may summon and swear witnesses when necessary; they shall sit not longer than six days, and shall be paid by said district at the rate of two dollars per day while in session. As soon as they complete their work, they must certify and return said book to said trustees.

The said assessor shall be paid for his work such sum as shall be agreed upon between him and said board of trustees, and the amount agreed to be paid shall be a charge against said district. For failure to perform their duties herein the supervisors shall be liable to the parties injured.

The board of trustees shall appoint a collector of taxes, who may be the treasurer of the district, the sheriff of the county, or such other person as they may select, and he shall, in respect to collection of district taxes, have the same power as the sheriff has as to State taxes. The same penalties shall attach as in the case of State taxes, and the same lien shall exist for them.

The collector of taxes shall give bond to the district for the faithful performance of his duties as to collection of taxes.

The compensation for collecting the taxes shall be such as may be agreed upon between the board and the collector.

Sec. 6. The board of trustees shall have power:

First—To pass all such by-laws as may be expedient in maintaining the peace, good government, health and welfare of the district, and fix fines and penalties for the violation of the same, which shall be enforced by warrant before any magistrate of the county or the county judge.

Second—To appropriate money, and provide for the payment of the debts and expenses of the district.

Third—To exercise the right of eminent domain in accordance with the general laws regulating the same.

Fourth—To impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions.

Fifth—To license, tax and regulate retailers and wholesalers of spirituous, vinous or malt liquors at an annual license fee of not less than one hundred and fifty dollars, nor more than five hundred dollars in each case; also license, tax, and regulate keepers of billiard and pool rooms, bowling alleys, or other amusement places, and provide a penalty for each day any such retailer, wholesaler or keeper fails to pay such license or tax, or observe such regulation, to be collected by warrant before a magistrate. All license fees and fines collected shall be placed in the general fund of the district treasury.

Sixth—To grant franchises as provided in the Constitution.

Seventh—To provide the district and its inhabitants with water and light.

Eighth—To open, control, regulate and maintain public avenues, streets, roads, lanes and other public places in the district.

Ninth—To provide by purchase, or otherwise, for a free drive or road from the district into any city within five miles of the district.

Tenth—To improve, construct, widen, alter, extend and reconstruct roads, streets and lanes, or any part thereof at the cost of abutting property owners, in proportion to the benefits that accrue to them. The board shall first fix and determine the property which shall be benefited by the improvement, and shall not then proceed with the improvement or reconstruction unless the owners of property aggregating two-thirds of the last assessed value thereof within the district determined to be benefited shall first petition them, in writing, to make the improvement or reconstruction, when said board shall proceed with same. The cost shall be apportioned by value on the property determined to be benefited,

and a lien therefor shall exist thereon, which may be enforced by suit in equity in the name either of the district or the contractor doing the work.

Eleventh—The board of trustees may, out of the general fund of the district, set apart funds for the maintenance of the roads in said district, and for the construction and maintenance of the side-walks along such roads. All new side-walks to be built at the discretion of the board, and located as the board may determine, and paid for out of the fund set apart for side-walk purposes.

Sec. 7. Said district shall be a separate school district, and subject to all the general laws in reference thereto.

Sec. 8. Because it is desirous that such district may be created, so that the first election therein may be had in November, 1898, an emergency is now declared, and this act shall be in force from and after its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Ahele,	G. W. Hickman,	W. C. Pike,
Bruce Adkins,	Anderson Hatfield,	V. Perkins,
T. H. Armstrong,	J. A. Ingram,	A. B. Pieratt,
J. L. Brown,	J. H. Lackey,	L. C. Rawlings,
Geo. H. Bishop,	Joseph F. Laufer,	W. H. Ragland,
A. Bertram,	John M. Letterle,	J. S. Robey,
W. H. Cole,	J. M. Lee,	G. Weissinger Smith,
Reuben Conner,	J. R. Mallory,	F. G. Shepherd.
A. H. Charlton,	J. D. Mocquot,	J. A. Small,
W. W. Combs,	W. J. Mears,	O. P. Searcy,
T. W. Clark,	John M. Moore,	Miles Spurlock,
Claude Desha,	J. H. Minor,	B. F. Saunders,
J. B. Depp,	W. A. Morris,	A. J. Thompson,
W. W. Gill,	J. Mc. Meloan,	George Traver,
W. C. Holland,	M. F. North,	L. E. Weatherford,

J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.,	Harry C. Pulliam,	David Woods—59.
W. B. Henderson,	E. Petty,	

Those who voted in the negative were:

W. T. Chilton,	Michael O'Sullivan,	H. S. Vanzant,
Reuben Morris,	E. H. Read,	Jas. H. Williams—7.
Noah Marsee,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the clerk's desk:

H. B. 239. An act for the benefit of James T. Buford.

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	V. Perkins,
Bruce Adkins,	Anderson Hatfield,	A. B. Pieratt,
T. H. Armstrong,	J. A. Ingram,	L. C. Rawlings,
B. W. Bradburn,	J. P. Jeffries,	W. H. Ragland,
A. Bertram,	J. H. Lackey,	J. S. Robey,
W. H. Cole,	Joseph F. Laufer,	E. H. Read,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
W. W. Combs,	J. M. Lee,	J. A. Small,
T. W. Clark,	J. R. Mallory,	O. P. Searcy,
W. T. Chilton,	J. D. Mocquot,	Miles Spurlock,
W. H. Cooke,	Reuben Morris,	B. F. Saunders,
Claude Desha,	J. R. Mount,	A. J. Thompson,
W. W. Gill,	W. J. Mears,	Frank M. Tracy,
W. C. Holland,	Noah Marsee,	South Trimble,

C. W. Haverly,	W. A. Morris,	George Traver,
J. S. Hood,	M. F. North,	H. S. Vanzant,
J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Michael O'Sullivan,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.,	E. Petty,	David Woods,
W. B. Henderson,	W. C. Pike,	J. H. Williams—63.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. North, from the Committee on Propositions and Grievances, to which the same had been referred, reported:

H. B. 119. An act regulating rents or tolls on telephones.

Said bill was read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

The House took from the orders of the day:

H. B. 373. An act to amend an act for the benefit of Caseyville and Lindle districts, and authorizing said districts to fund and compromise their indebtedness, etc., approved March 27, 1880.

Mr. Saunders moved a substitute for said bill.

Mr. Pike moved that said bill and substitute be printed and recommitted to the Committee on Propositions and Grievances.

The House took from the orders of the day:

H. B. 402. An act for the benefit of Lakeland Asylum.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:



Section 1. That the sum of five thousand four hundred dollars be appropriated for the purpose of buying the fifty-four acres (more or less), of land lying west of Lakeland Asylum, the said sum to be used only in purchase of said land, this land to be used for the benefit of Lakeland Asylum.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	E. Petty,
B. W. Bradburn,	J. A. Ingram,	V. Perkins,
Geo. H. Bishop,	R. C. Jarnagin,	A. B. Pieratt,
A. Bertram,	J. H. Lackey,	L. C. Rawlings,
W. H. Cole,	Joseph F. Laufer,	W. H. Ragland,
Reuben Conner,	John M. Letterle,	E. H. Read,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
W. W. Combs,	J. R. Mallory,	F. G. Shepherd,
T. W. Clark,	Reuben Morris,	Andrew Sargent,
W. T. Chilton,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Miles Spurlock,
A. S. Denton,	Noah Marsee,	G. B. Stout,
Claude Desha,	John M. Moore,	A. J. Thompson,
W. W. Gill,	F. May,	Frank M. Tracy,
W. C. Holland,	J. H. Minor,	L. E. Weatherford,
C. W. Haverly,	W. A. Morris,	C. A. Wilson,
J. S. Hood,	M. F. North,	C. B. Wheeler,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
John T. Hinton,	Michael O'Sullivan,	R. C. Walker,
J. P. Haswell, Jr.,	L. J. Owen,	David Woods,
W. B. Henderson,	Harry C. Pulliam,	Jas. H. Williams—64.
G. W. Hickman,		

Those who voted in the negative were:

J. P. Jeffries,	W. C. Pike,	H. S. Vanzant—5.
Chas. Aaron Nelson,	B. F. Saunders,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the calendar:

H. B. 363. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Said bill was read the second time and placed in the orders of the day.

The House took from the orders of the day:

H. B. 403. An act to amend sections 256, 257, 258, 259, 261, 262 and 263 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sections 256, 257, 258, 259, 261, 262 and 263 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, be and the same are amended so as to read as follows:

"Sec. 256. When each unpledged share in a given series reaches the value fixed by the by-laws, all payments of dues thereon shall cease, and the holder thereof shall be paid out of the funds of the corporation the value fixed by the by-laws, with interest at the rate as fixed by the directors a year from the time of such maturity to the time of payment; but at no time shall more than one-half of the funds in the treasury be applicable to the payment of such matured shares without the consent of the directors; and when any series of shares, either pledged or unpledged, reaches maturity between the dates of adjustment of profits, or whenever shares are retired between

such dates, the holders of such shares shall, in addition to the value thereof, be entitled to interest at the same rate for all full months from the date of the preceding adjustment.

"Sec. 257. The monies accumulated, after due allowance made for all necessary and proper expenses, and for the withdrawal of shares shall, at any monthly or weekly meeting be advanced to members by lot. Said drawing of shares for the priority of right to a loan shall be duly advertised, and supervised by one or more of the directors. Each member shall pay for every share participating in said drawing a stipulated amount to defray expenses, and the directors shall in advertising state the limit of shares to be drawn at said meeting. Each member whose share has been drawn shall be entitled, upon giving proper security and complying with the by-laws, to receive a loan equal to the par value of each share held by him, or such fractional part thereof as the by-laws allow. If a balance of money remains after the monthly loans, the directors may invest the same in good and safe bonds or real estate securities.

"Sec. 258. A borrowing member for each share borrowed upon shall pay monthly or weekly interest on his loan at the rate of six per cent. per annum, and a reasonable amount for expenses as fixed by resolution of the directors or by the by-laws; or the expenses and adjusted loans shall be charged against each borrowing member in the following manner: Expenses shall be divided equally upon all shares in force; adjusted loans shall be apportioned between all shares in force according to their actual value. Said payments shall continue until his shares reach the value fixed by the by-laws, or the loan has been repaid, and when said ultimate value is reached said loan and shares shall be declared canceled and satisfied, and the balance, if any, due upon the shares shall be paid to the member.

"Sec. 259. For every loan made a note secured by first mortgage on real estate shall be given, accompanied by transfer and pledge of the shares of the borrower. The shares so.

pledged shall be held by the corporation as collateral security for the performance of the conditions of said note and mortgage. The note and mortgage shall recite the number of shares pledged and the amount of money advanced thereon, and shall be conditioned for the payment at the stated meetings of the corporations, or on some day of each month, or week, of the monthly or weekly dues on said shares, and the interest and expenses upon the loan, together with all fines upon payments in arrears, until said shares shall reach the value fixed by the by-laws, or said loan is otherwise canceled and discharged. The shares without other security may, in the discretion of the directors, be pledged as security for loans to an amount not exceeding eighty per cent. of their value as adjusted at the last adjustment and valuation of shares before the time of the loan. If the borrower neglects to offer security satisfactory to the directors within the time prescribed by the by-laws his right to the loan shall be forfeited, and he may be charged with one month's interest and one month's premium at the rate bid by him, together with all expenses, if any, incurred; and the money appropriated for such loan may be reloaned at the next or any subsequent meeting."

"Sec. 261. Members who make default in the payment of their monthly or weekly dues and interest shall be charged a fine not exceeding twenty cents per share for every payment in arrears. No fine shall be charged after the expiration of six months from the first lapse in any such payment, nor upon fines in arrears. The shares of a member who continues in arrears more than six months shall, at the option of the directors, if a member fails to pay the arrears within thirty days after notice, be declared forfeited, and the withdrawing value of the shares at the time of the first default shall be ascertained, and, after deducting all fines and other legal charges, the balance remaining shall be placed to an account to be designated, "Forfeit share account," to the credit of the defaulting member; said member, if not a borrower, shall be entitled,

upon thirty day's notice, to receive the balance so transferred without interest from the time of the transfer, in his order of the turn, out of the funds appropriated to the payment of withdrawals. All shares so forfeited or transferred shall cease to participate in any profits of the corporation accruing after the last adjustment and valuation of shares before said default.

"Sec. 262. If a borrowing member has been in default for six months, the amount to be credited to his shares under the preceding section shall be applied as a payment upon the loan, and the balance, with interest and expenses thereon, from the time of first default, shall be enforced against the security. The shares, the value of which has been so applied in payment, shall revert to the corporation, and be held by it free from all interest, claim or demand on the part of the borrower or any person claiming under him."

"Sec. 263. The profits and losses may be distributed annually, semi-annually, or quarterly to the shares then existing, but shall be distributed at least once in each year. To provide for possible losses, a part of the profits shall be set aside for a reserve fund, which shall be at the maturity of the first series, not be less than one per cent., unless reduced by losses, nor at any time be more than five per cent. of the total amount of mortgage loans. The profits and losses shall be distributed to such shares in proportion to their value at the time, and shall be computed upon a basis of a single share fully paid to the date of distribution. Losses may be apportioned immediately after their occurrence."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John M. Letterle,	Andrew Sargent,
George H. Bishop,	J. R. Mallory,	O. P. Searcy,
A. H. Charlton,	Harry C. Pulliam,	G. B. Stout,

T. W. Clark,	W. C. Pike,	Frank M. Tracy,
W. C. G. Hobbs,	A. B. Pieratt,	George Traver,
John T. Hinton,	J. S. Robey,	C. A. Wilson,
W. B. Henderson,	S. Atwood Smith,	R. E. Watkins—23.
Joseph F. Laufer,	G. Weissinger Smith,	

Those who voted in the negative were:

Bruce Adkins,	J. A. Ingram,	Chas. F. Ogden,
B. W. Bradburn,	J. P. Jeffries,	Michael O'Sullivan,
W. H. Cole,	R. C. Jarnagin,	L. J. Owen,
W. T. Chilton,	J. H. Lackey,	E. Petty,
W. H. Cooke,	J. M. Lee,	V. Perkins,
J. C. Cantrill,	Reuben Morris,	L. C. Rawlings,
J. Morgan Chinn,	J. R. Mount,	W. H. Ragland,
A. S. Denton,	W. J. Mears,	E. H. Read,
Claude Desha,	Noah Marsee,	F. G. Shepherd,
M. T. Freeman,	F. May,	Miles Spurlock,
W. C. Holland,	J. H. Minor,	H. S. Vanzant,
J. A. Humphreys,	W. A. Morris,	L. E. Weatherford,
James M. Hall,	J. Mc. Meloan,	R. C. Walker,
J. P. Haswell, Jr.,	M. F. North,	David Woods,
G. W. Hickman,	Chas. Aaron Nelson,	J. H. Williams—46.
Anderson Hatfield,		

• So said bill was rejected.

A message was received from the Senate announcing that they had adopted:

S. Res. 23. Resolution providing for joint session of the two branches of the General Assembly on Thursday, March 10, 1898, for the purpose of electing commissioners to manage the State penitentiaries.

Mr. Chinn moved that further consideration of said resolution be postponed until Monday, March 7, 1898.

Said motion was adopted.

Mr. Letterle, of the Committee on Enrollments, reported

that the committee had examined enrolled bills, which had originated in the House of Representatives, of the following titles, viz:

H. B. 1. An act regulating fire insurance companies and their agents, authorized to do business in Kentucky, and providing penalties for violations of the provisions of this act.

H. B. 122. An act to amend an act entitled, "An act to provide for an efficient system of common schools throughout the State," approved July 6, 1893.

H. B. 48. An act to repeal an act entitled, "An act to organize and establish a system of public graded schools in Madisonville, Hopkins county," approved April 16, 1888.

H. B. 304. An act to provide for maintaining circuit courts and their officers, and furnishing services and assistants to courts by cities of the second class in this Commonwealth, wherein sit circuit courts of continuous session.

H. B. 93. An act continuing the Kentucky State Dental Association, and defining the duties of said association, and regulating the practice of dentistry in this Commonwealth.

H. B. 148. An act to amend section 273 Civil Code of Practice, relating to injunctions.

And had found the same correctly enrolled.

Said bills were then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

And then the House adjourned.

## MONDAY, MARCH 7, 1898.

The House was opened with prayer by Rev. E. H. Pearce, of the M. E. church, South.

Mr. Speaker Beckham in the chair.

The Journal of Saturday was read.

Mr. Vanzant moved an amendment to the Journal of Saturday.

Mr. Haswell raised the point of order that the veto of S. B. 67 had not been entered in full in the Journal and the chair ruled the point not well taken.

Mr. Trimble moved that the Journal of Saturday be approved as read.

Said motion was adopted.

Mr. Trimble, from the Committee on State Prisons and House of Reform, to which the same had been referred, reported:

H. B. 163. An act to provide for the rebuilding of the workshops in the Eddyville Penitentiary and to declare an emergency.

With a substitute proposed therefor by the committee.

Said bill and substitute were read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day.

The committees to which the same had been referred reported bills as follows, viz:

By Mr. S. Atwood Smith, from the Committee on Municipalities:

S. B. 183. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.



By same:

S. B. 201. An act relating to the appointment of police matrons of cities of the first class in this State.

By Mr. Walker, from the Committee on Suffrage and Elections:

H. B. 422. An act to amend section 1454, chapter 41 of the Kentucky Statutes, entitled, "Elections."

By Mr. Hickman, from the Committee on Circuit Courts:

H. B. 416. An act to amend section 3 of an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, (being part of section 965 of Kentucky Statutes), extending the December term of the Lyon Circuit Court so as to embrace eighteen juridical days.

By same:

H. B. 352. An act to amend an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts of this Commonwealth," approved December 22, 1892.

By same:

S. B. 129. An act to amend an re-enact section 6 of article 1 of chapter 210 of the acts of 1891-2-3, entitled, "An act concerning juries, and entitled 'Juries,'" approved May 22, 1893, now being section 2246 of chapter 74 of the Kentucky Statutes.

By same:

H. B. 398. An act to amend section 2, article 1, chapter 75, General Statutes, now section 392, chapter 22, Kentucky Statutes.

By same:

S. B. 47. An act to amend and re-enact an act entitled, "An act fixing the time and terms of circuit courts in the counties composing the several judicial districts in this Com-

monwealth," approved December 22, 1892, so far as the same applies to the twenty-third circuit court district.

By Mr. Nelson, from the Committee on Education:

H. B. 344. An act relating to public graded schools organized and existing under special charters, extending the powers of the boards of education of such schools, and authorizing said boards to issue and sell bonds for the building, repairing, adding to or furnishing school-houses.

By Mr. Geo. Weissinger Smith, from the Committee on Court of Appeals:

H. B. 362. An act to amend section 48 of an act entitled, "An act relating to courts of justice," approved June 10, 1893.

By same:

H. B. 393. An act concerning transcripts of testimony to be used in the Court of Appeals.

By same:

S. B. 107. An act concerning the assessment and valuation for taxation of corporate franchises and intangible property by cities of the first and second class.

By same:

S. B. 198. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

By same:

S. Res. 8. Resolution for the benefit of circuit court clerks.

By same:

S. B. 57. An act to amend and re-enact chapter 17 of session acts of General Assembly of the Commonwealth of Kentucky, which became a law May 11, 1897, and to repeal certain designated portions thereof.

By Mr. Humphreys, from the Committee on County and City Courts:

H. B. 383. An act to amend section 59 of article 4 of an act entitled, "An act relating to courts of justice," approved June 10, 1893, also known as section 1085, Kentucky Statutes.

By same:

H. B. 409. An act to prevent stock from running at large.

Which bills and resolution were severally read the first time in full, ordered to be printed, placed on the calendar, and read the second time on some other day.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following titles, viz:

H. B. 218. An act to provide for an appeal in actions of habeas corpus.

H. B. 123. An act to amend and re-enact section 189 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, the same being section 2974 of the Kentucky Statutes.

That they had passed a bill and adopted resolutions of the following titles, viz:

1. S. B. 150. An act establishing free libraries and reading rooms.
2. S. Res. 11. Resolution authorizing and directing the State Librarian to furnish copies of the reports of the decisions of Courts of Appeals to certain counties.
3. S. Res. 19. Resolution providing for paying the ministers of Frankfort for opening the House with prayer.

Ordered that said bill and resolutions be referred: The first to the Committee on Agricultural and Mechanical College, the second to the Committee on Codes of Practice, and the third to the Committee on Legislative Accounts.

The Speaker appointed as a committee to invite Mr. J. W. Bailey, of Texas, to address the General Assembly, Messrs. Moore, Freeman and Shepherd.

The House took from the calendar bills of the following titles, viz:

H. B. 470. An act to amend and re-enact section 16 of article 9 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, and being section 3227 of the Kentucky Statutes.

H. B. 456. An act to provide a chief deputy and transfer clerk for the county assessor in counties where there is a city of the second class having a population of more than forty thousand.

H. B. 386. An act to amend chapter 222 of the Revised Statutes, entitled: "An act for the government of cities of the third class," approved June 14, 1893.

H. B. 382. An act to regulate the running of street cars in cities of the second class.

H. B. 359. An act to amend section 11 of article 4 of an act entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

H. B. 358. An act to amend section 10, article 4, of an act relating to cities of the fifth class entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

H. B. 334. An act authorizing county judges of cities of the second class to appoint transcript clerks.

H. B. 290. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 232. An act to allow the children of slave marriages to inherit the property of their fathers and mothers.

H. B. 213. An act to amend an act entitled, "An act for the government of cities of the first class," approved March 23, 1894, being section 8 of the law governing the police force of cities of the first class.

S. B. 141. An act to authorize cities of the second class to

acquire parts of turnpike roads lying within the corporate limits of such cities.

S. B. 137. An act to amend chapter 88 of the Kentucky Statutes, title, "Mines and Mining."

S. B. 56. An act to amend and re-enact an act approved March 19, 1894, for governing cities of the second class.

S. B. 16. An act to repeal subsection 8 of section 3490, of the Kentucky Statutes, and to enact a substitute therefor.

H. B. 343. An act to amend an act approved July 1, 1893, incorporating towns of the sixth class in this Commonwealth.

H. B. 226. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 421. An act to amend and re-enact section 43, of an act entitled, "An act for the government of towns of the sixth class," approved May 6, 1893.

H. B. 455. An act to amend an act entitled, "Municipal Corporations," article 3, cities of the second class, section 3143, which became a law March 19, 1894.

H. B. 389. An act to amend an act entitled, "An act for government of cities of the fourth class," which became a law June 28, 1893.

H. B. 448. An act to amend section 17, of article 7, of an act entitled, "An act for the government of towns of the sixth class."

H. B. 340. An act to amend article 11, section 43, of an act entitled, "An act for the government of towns of the sixth class," approved May 6, 1893, being section 3710, subdivision 9, article 7, chapter 89 of the Kentucky Statutes.

Which bills were severally read the second time and placed in the orders of the day.

The House took from the orders of the day:

H. B. 281. An act to regulate assessment of property in this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That hereafter the Auditor of Public Accounts of the State shall procure and furnish to each assessor in the State a rubber stamp, which when stamped on paper exhibits the month and the year, together with a fac-simile of the assessor's signature, said rubber stamps to be furnished to each assessor in the State not later than the first day of September after they are elected, or on demand of the assessors as aforesaid.

Sec. 2. It shall be the duty of the assessor in addition to the duties now required by law, in assessing property under the equalization law, to stamp each note, bond, mortgage or other evidence of debtor indebtedness that is now subject to taxation under the existing law.

Sec. 3. It shall be the further duty of the assessor to examine all the records of the county clerk's office in the county where he has been elected, and from said records ascertain the amount of mortgages and vendors, liens or other evidence of debt or indebtedness, and assess the same as other property, and said mortgages, vendors, liens or other evidence of debt or indebtedness owned by non-residents of this Commonwealth are hereby declared subject to taxation for all purposes in the county where they are recorded.

Sec. 4. That the interest on all notes and bonds, which have not been listed for taxation, and stamped by the assessor for each and every year they have run or existed as provided in section 2 of this act, shall be void, and all mortgages, vendors, liens or other evidence of debt or indebtedness which

have not been so listed, shall be void as to a purchaser or subsequent mortgagees.

Sec. 5. That any person or persons, corporation or corporations that shall fail to give to the assessor a full and complete list of his or their property, of every description and kind shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars for each offense.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins, •	G. W. Hickman,	E. Petty.
J. L. Brown,	J. P. Jeffries,	W. C. Pike,
George H. Bishop,	J. H. Lackey,	A. B. Pieratt,
A. Bertram,	D. D. Lykins,	W. H. Ragland,
W. H. Cole,	J. M. Lee,	J. S. Robey,
Ruben Conner,	J. R. Mallory,	G. Weissinger Smith,
A. H. Charlton,	Reuben Morris,	F. G. Shepherd,
W. W. Combs,	J. R. Mount,	J. A. Small,
T. W. Clark,	J. J. Marquette,	W. T. Sharp,
W. T. Chilton,	W. J. Mears,	O. P. Searcy,
W. H. Cooke,	W. H. McKee,	Miles Spurlock,
J. C. Cantrill,	J. H. Minor,	G. B. Stout,
J. E. Cahill,	W. A. Morris,	Ham. Shehan,
J. Morgan Chinn,	J. Mc. Meloan,	B. F. Saunders,
A. S. Denton,	M. F. North,	George Traver,
Claude Desha,	Chas. Aaron Nelson,	H. S. Vanzant,
J. B. Depp,	Emmett Orr,	L. E. Weatherford,
W. W. Gill,	Chas. F. Ogden,	C. A. Wilson,
W. C. Holland,	Michael O'Sullivan,	C. B. Wheeler,
J. A. Humphreys,	L. J. Owen,	J. D. Wills,
W. C. G. Hobbs,	Harry C. Pulliam,	Jas. H. Williams—64.
W. B. Henderson,		

Those who voted in the negative were:

B. W. Bradburn—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Nelson, from the Committee on Education, to which the same had been recommitted, reported:

H. B. 254. An act to repeal an act entitled, "An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville," approved March 28, 1873.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act, entitled, "An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville," approved March 28, 1873, and all acts amendatory thereto, be, and the same are hereby repealed; Provided, That this act shall in no wise be construed in releasing said district from the payment of such bonds of said district as are now outstanding against the same, or as restricting the right of the common school trustees thereof, to levy and collect the taxes authorized for the extinguishment of such indebtedness or other indebtedness of said district.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	John T. Hinton,	E. Petty,
B. W. Bradburn,	J. P. Haswell, Jr.,	W. C. Pike,
J. L. Brown,	W. B. Henderson,	A. B. Pieratt,



Geo. H. Bishop,	G. W. Hickman,	W. H. Ragland,
A. Bertram,	Anderson Hatfield,	E. H. Read,
W. H. Cole,	J. A. Ingram,	J. S. Robey,
Reuben Conner,	J. P. Jeffries,	F. G. Shepherd,
A. H. Charlton,	J. M. Lee,	J. A. Small,
W. W. Combs,	J. R. Mallory,	Andrew Sargent,
T. W. Clark,	J. D. Mocquot,	W. T. Sharp,
W. T. Chilton,	Reuben Morris,	O. P. Searcy,
W. H. Cooke,	J. R. Mount,	Miles Spurlock,
J. C. Cantrill,	J. J. Marquette,	G. B. Stout,
J. E. Cahill,	W. J. Mears,	Ham. Shehan,
J. Morgan Chinn,	W. H. McKee,	B. F. Saunders,
Claude Desha,	J. H. Minor,	A. J. Thompson,
J. B. Depp,	W. A. Morris,	Frank M. Tracy,
M. T. Freeman,	J. Mc. Meloan,	George Traver,
W. W. Gill,	M. F. North,	H. S. Vanzant,
W. C. Holland,	Chas. Aaron Nelson,	L. E. Weatherford,
J. A. Humphreys,	Chas. F. Ogden,	C. A. Wilson,
W. C. G. Hobbs,	Michael O'Sullivan,	David Woods,
James M. Hall,	L. J. Owen,	J. D. Wills,
J. H. Hall,	Harry C. Pulliam,	Jas. H. Williams-72.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 296. An act to amend an act entitled, "An act relating to fees," being chapter 47, Kentucky Statutes.

Mr. G. Weissinger Smith moved an amendment to said bill.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows,  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 38, article 18, (being section 1761 Kentucky Statutes), of an act entitled, "An act relating to fees," approved June 15, 1893. be and the same is hereby amended by striking from said section the words, "commissioners, receivers, examiners;" and also the words, "after the terms of the present incumbents respectively expire, and," and re-enacted so that said section when so amended, shall read as follows:

"Section 38. (Sec. 1761). The clerk of the circuit court, the clerk of the county court and the sheriff of each county having a population of seventy-five thousand or over, shall, on the first day of each month, severally, send to the Auditor of Public Accounts a statement subscribed and sworn to by each of them, showing the amount of money received or collected by or for each of them the preceding month as fees or compensation for official duties, and shall, with such statement, send to the Auditor the amount so collected or received.

Sec. 2. And be it further enacted that there be added to said section when so amended, as follows:

"(38). That in counties having a population of seventy-five thousand or over, commissioners and receivers, appointed by the circuit court shall receive an annual salary of five thousand dollars, and the number of deputies allowed to each of said officers, and the compensation allowed to each, except the chief deputy, and the amount, if any, allowed for the necessary expenses of the office shall be regulated and fixed by an order entered upon the order-book of the circuit court, and a certified copy of said order shall as soon as entered be forwarded to the Auditor of Public Accounts, as shall a copy of any subsequent changes made therein.

Sec. 3. "(38 b). The salary of the chief deputy of each of said officers shall be two thousand dollars per year, and the

salary of each of the other deputies shall be fixed at a reasonable amount not exceeding fifteen hundred dollars per annum.

Sec. 4. "(38 c). Said commissioners and receivers shall, each, in a suitable book kept in his office, keep and enter therein a true and faithful account of the amounts earned by him or due him for official services rendered to any person, company or corporation, when and to whom such service was rendered, and what part thereof, if any, has been paid, and shall annually, in the month of January, report to the Auditor under oath, the amount received by him on account of his official duties or position, from all sources during the preceding year, as well as the amount paid out by him for necessary deputies or assistants, and for the expenses of conducting his office, giving separately the amount he has paid out on account of each item; and if it shall appear from such annual statement that any such officer has received as compensation on account of his official services from all sources more than five thousand dollars during such year, after the payment of the salaries of his necessary deputies or assistants, and the legitimate expenses of conducting his office, then such officer shall, with such statement, pay to the Auditor the amount so received in excess of said five thousand dollars, and any such officer who shall fail to comply herewith shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars for each offense, and upon conviction shall be removed from office."

Sec. 5. This act shall take effect from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	Harry C. Pulliam,
Bruce Adkins,	J. P. Haswell, Jr.,	E. Petty,

B. W. Bradburn,	W. B. Henderson,	A. B. Pieratt,
A. C. Brown,	G. W. Hickman,	W. H. Ragland,
Geo. H. Bishop,	Anderson Hatfield,	E. H. Read,
A. Bertram,	J. A. Ingram,	J. S. Robey,
W. H. Cole,	J. P. Jeffries,	S. Atwood Smith,
Reuben Conner,	J. H. Lackey,	G. Weissinger Smith,
A. H. Charlton,	D. D. Lykins,	Andrew Sargent,
W. W. Combs,	J. M. Lee,	O. P. Searcy,
T. W. Clark,	J. R. Mallory,	Miles Spurlock,
W. T. Chilton,	Reuben Morris,	G. B. Stout,
J. C. Cantrill,	J. J. Marquette,	Ham. Shehan,
J. E. Cahill,	W. J. Mears,	B. F. Saunders,
J. Morgan Chinn,	J. H. Minor,	A. J. Thompson,
Claude Desha,	W. A. Morris,	Frank M. Tracy,
J. B. Depp,	J. Mc. Meloan,	George Traver,
M. T. Freeman,	M. F. North,	L. E. Weatherford,
W. W. Gill,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. Holland,	Chas. F. Ogden,	R. E. Watkins,
J. S. Hood,	Michael O'Sullivan,	David Woods,
J. A. Humphreys,	L. J. Owen,	Jas. H. Williams-67.
James M. Hall,		

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the clerk's desk:

S. Res. 23. Resolution providing for joint session of the two branches of the General Assembly on Thursday, March 10, 1898, for the purpose of electing commissioners to manage the State penitentiaries.

Said resolution was twice read and adopted.

The House took from the clerk's desk:

H. B. 2. An act to repeal an act entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate," approved March 17, 1896.

With an amendment proposed thereto by the Senate.

Ordered that said amendment be printed.

The House took from the orders of the day:

H. B. 116. An act to repeal charters of State banks and other institutions of loan and discount.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All charters and grants of or to banks or other institutions of loan and discount, and all amendments, renewals and extensions thereof, enacted or granted by the General Assembly of this Commonwealth since the fourteenth of February, 1856, are hereby repealed; Provided, That whilst the privileges and franchises so granted are hereby repealed, this act shall not impair other rights vested prior to the date at which this act takes effect.

Sec. 2. The preceding section of this act shall not apply to any bank or other institution of loan or discount which will and does before the first day of July, 1898, file in the office of the Secretary of State its written consent to the ad valorem taxation of its property and franchises for State and local purposes as provided in the present Constitution of this State.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. A. Humphreys,	W. C. Pike,
B. W. Bradburn,	W. C. G. Hobbs,	A. B. Pieratt,
A. C. Brown,	W. B. Henderson,	W. H. Ragland,
J. L. Brown,	G. W. Hickman,	J. S. Robey,
A. Bertram,	D. D. Lykins,	S. Atwood Smith,
Reuben Conner,	J. M. Lee,	F. G. Shepherd,
A. H. Charlton,	J. R. Mount,	J. A. Small,

W. W. Combs,	J. J. Marquette,	O. P. Searcy,
T. W. Clark,	W. J. Mears,	Miles Spurlock,
W. T. Chilton,	John M. Moore,	G. B. Stout,
W. H. Cooke,	W. H. McKee,	Ham. Shehan,
J. C. Cantrill,	J. H. Minor,	B. F. Saunders,
J. E. Cahill,	W. A. Morris,	A. J. Thompson,
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	L. E. Weatherford.
Claude Desha,	Chas. Aaron Nelson,	C. A. Wilson,
J. B. Depp,	Emmett Orr,	C. B. Wheeler,
M. T. Freeman,	Michael O'Sullivan,	R. E. Watkins,
W. W. Gill,	L. J. Owen,	J. D. Wills,
W. C. Holland,	E. Petty,	Jas. H. Williams—61.
C. W. Haverly,		

Those who voted in the negative were:

John Collins,	R. C. Jarnagin,	E. H. Read,
James M. Hall,	J. R. Mallory,	G. Weissinger Smith.
John T. Hinton,	Reuben Morris,	Andrew Sargent,
J. P. Haswell, Jr.,	F. May,	Frank M. Tracy,
J. A. Ingram,	Chas. F. Ogden,	H. S. Vanzant,
J. P. Jeffries,	Harry C. Pulliam,	David Woods—18.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Desha, from the Committee on Corporate Institutions, to which the same had been recommitted, reported:

H. B. 303. An act to define trusts and to provide for penalties and punishments of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Kentucky.

With an amendment proposed thereto by the committee.

Said amendment was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all trusts and combines hereafter named are hereby prohibited and declared unlawful, and that a trust is a combination of capital, skill or acts, by two or more persons, firms, corporations, or association of persons, of either two or more of them for either, any or all of the following purposes:

First—To create or carry out restrictions in trade.

Second—To limit or reduce the production, or increase or reduce the price of merchandise or commodities.

Third—To prevent competition in manufacture, making, transportation, sale or purchase of merchandise, produce, or commodities.

Fourth—To fix any standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce, intended for sale, use, or consumption in this State.

Fifth—To make or enter into, or execute, or carry out any contract, obligation or agreement of any kind or description, by which they shall bind or have bound themselves not to sell, dispose of or transport any article or commodity, or article of trade, use, merchandise, commerce or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or write any interest they may have in connection with the sale,

purchase or transportation of any such article or commodity that its price might in any manner be affected.

Sec. 2. That any corporation holding a charter under the laws of this State, which shall violate any of the provisions of this act shall thereby forfeit its charter and franchise; and its corporate existence shall cease and determine.

Sec. 3. For violation of any of the provisions of this act by any corporation mentioned herein, it shall be the duty of the Attorney-General, Commonwealth's attorney or county attorney, or either of them, upon his own motion, and without leave or order from any court or judge, to institute suit in Franklin county, or at the county seat of any county in this State where such corporation exists, does business or may have a domicile, for the forfeiture of its charter rights and franchises and the dissolution of its corporate existence.

Sec. 4. Every foreign corporation violating any of the provisions of this act, is hereby denied the right, and prohibited from doing any business within this State, and it shall be the duty of the Attorney-General of the State to enforce this provision by injunction or other proper proceedings in the circuit court of Franklin county, in the name of the Commonwealth of Kentucky.

Sec. 5. Any violation of either or all the provisions of this act shall be and is hereby declared a conspiracy against trade, and any person who may be or may become engaged in any such conspiracy or take part therein, or aid or advise in its commission, or who shall as principal, manager or director, agent, servant or employee, or in any other capacity, knowingly carry out any of the stipulations, purposes, prices, rates, or orders themselves, or in pursuance thereof, shall be punished by fine in a sum not less than one thousand dollars nor more than five thousand dollars, and by imprisonment in the penitentiary not less than one year nor more than ten years, or by either such fine or imprisonment, and each day during a violation of this provision shall constitute a separate offense.



Sec. 6. In any indictment for an offense named in this act, it shall be sufficient to state the purposes or effects of the trust or combination, and that the accused is or was a member of, acted with or in pursuance of it, without giving the name of the corporation, trust or combine, or how, when or where it was created.

Sec. 7. In prosecutions under this act, it shall be sufficient to prove that a trust or combination, as defined herein exists, and that the defendant belonged to it, or acted for or in connection with it without proving all the members belonging to it, or proving or producing any article of agreement or any written instrument on which it may have been based, or that it was evidenced by any written instrument at all. The character of the combination or trust alleged may be established by proof of its general reputation as such.

Sec. 8. Persons of this State may commit and be liable to indictment and conviction for committing any of the offenses enumerated in this act, which do not in this commission necessarily require a personal presence in this State, the object being to reach and punish all persons offending against its provisions, whether within or without the State.

Sec. 9. Each and every firm, person, corporation, association of persons who shall in any manner violate any of the provisions of this act, shall for each and every day that such violation shall be committed or continued, forfeit and pay to the State of Kentucky fifty dollars, which may be recovered in the name of the Commonwealth of Kentucky, in any county where the offense is committed, or where such offenders or either of them reside, or in Franklin county; and it shall be the duty of the Attorney-General, Commonwealth's attorney or county attorney to prosecute for and recover the same.

Sec. 10. That any contract or agreement in violation of the provisions of this act shall be absolutely void and not enforceable either in law or equity.

Sec. 11. That the provisions hereof shall be held cumulative of each other, and of all other laws in any way effecting them now in force in this State.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. C. G. Hobbs,	A. B. Pieratt,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
A. C. Brown,	G. W. Hickman,	J. S. Robey,
J. L. Brown,	D. D. Lykins,	S. Atwood Smith,
George H. Bishop,	J. M. Lee,	G. Weissinger Smith,
A. Bertram,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	Reuben Morris,	J. A. Small,
A. H. Charlton,	J. R. Mount,	O. P. Searcy,
W. W. Combs,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. H. McKee,	B. F. Saunders,
J. C. Cantrill,	W. A. Morris,	A. J. Thompson,
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	L. E. Weatherford,
Claude Cesha,	Chas. Aaron Nelson,	C. A. Wilson,
J. B. Depp,	Michael O'Sullivan,	R. E. Watkins,
W. W. Gill,	L. J. Owen,	J. D. Wills,
W. C. Holland,	Harry C. Pulliam,	Jas. H. Williams-59.
J. A. Humphreys,	E. Petty,	

Those who voted in the negative were:

C. W. Haverly,	J. P. Jeffries,	Andrew Sargent-5.
J. S. Hood,	F. Mav,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The hour of 2 o'clock P. M. having arrived the House took a recess until 3:30 o'clock.

AFTERNOON SESSION.

The House met at 3:30 o'clock.

Mr. Speaker Beckham in the Chair.

The House took from the orders of the day:

H. B. 126. An act to allow towns where no registration is required to hold separate elections.

Mr. Walker moved an amendment to said bill.

Said amendment was adopted.

Mr. Sargent moved an amendment to said bill

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows,  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in cities and towns where registration is not required, municipal elections shall be held separate and apart from State and county elections. The city council or board of trustees, as the case may be, shall prepare, or cause to be prepared a ballot book in the same manner and form as now prescribed by the general election laws of this Commonwealth, only the names of those shall be placed on said ballots as candidates as have complied with the general election laws concerning the placing the names of candidates on ballots; said ballots to be endorsed by the county clerk in the same manner and form, and delivered to the officers of election in the same manner and at the same time as required by general election laws. At least fifteen days before each municipal election the city council or board of trustees shall appoint officers

Sec. 11. That the provisions hereof shall be held cumulative of each other, and of all other laws in any way effecting them now in force in this State.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. C. G. Hobbs,	A. B. Pieratt,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
A. C. Brown,	G. W. Hickman,	J. S. Robey,
J. L. Brown,	D. D. Lykins,	S. Atwood Smith,
George H. Bishop,	J. M. Lee,	G. Weissinger Smith,
A. Bertram,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	Reuben Morris,	J. A. Small,
A. H. Charlton,	J. R. Mount,	O. P. Searcy,
W. W. Combs,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. H. McKee,	B. F. Saunders,
J. C. Cantrill,	W. A. Morris,	A. J. Thompson,
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	L. E. Weatherford,
Claude Cesha,	Chas. Aaron Nelson,	C. A. Wilson,
J. B. Depp,	Michael O'Sullivan,	R. E. Watkins,
W. W. Gill,	L. J. Owen,	J. D. Wills,
W. C. Holland,	Harry C. Pulliam,	Jas. H. Williams-59.
J. A. Humphreys,	E. Petty,	

Those who voted in the negative were:

C. W. Haverly,	J. P. Jeffries,	Andrew Sargent-5.
J. S. Hood,	F. May,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The hour of 2 o'clock P. M. having arrived the House took a recess until 3:30 o'clock.

AFTERNOON SESSION.

The House met at 3:30 o'clock.

Mr. Speaker Beckham' in the Chair.

The House took from the orders of the day:

H. B. 126. An act to allow towns where no registration is required to hold separate elections.

Mr. Walker moved an amendment to said bill.

Said amendment was adopted.

Mr. Sargent moved an amendment to said bill

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows,  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in cities and towns where registration is not required, municipal elections shall be held separate and apart from State and county elections. The city council or board of trustees, as the case may be, shall prepare, or cause to be prepared a ballot book in the same manner and form as now prescribed by the general election laws of this Commonwealth, only the names of those shall be placed on said ballots as candidates as have complied with the general election laws concerning the placing the names of candidates on ballots; said ballots to be endorsed by the county clerk in the same manner and form, and delivered to the officers of election in the same manner and at the same time as required by general election laws. At least fifteen days before each municipal election the city council or board of trustees shall appoint officers

Sec. 11. That the provisions hereof shall be held cumulative of each other, and of all other laws in any way effecting them now in force in this State.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. C. G. Hobbs,	A. B. Pieratt,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
A. C. Brown,	G. W. Hickman,	J. S. Robey,
J. L. Brown,	D. D. Lykins,	S. Atwood Smith,
George H. Bishop,	J. M. Lee,	G. Weissinger Smith,
A. Bertram,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	Reuben Morris,	J. A. Small,
A. H. Charlton,	J. R. Mount,	O. P. Searcy,
W. W. Combs,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. H. McKee,	B. F. Saunders,
J. C. Cantrill,	W. A. Morris,	A. J. Thompson,
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	L. E. Weatherford,
Claude Cesha,	Chas. Aaron Nelson,	C. A. Wilson,
J. B. Depp,	Michael O'Sullivan,	R. E. Watkins,
W. W. Gill,	L. J. Owen,	J. D. Wills,
W. C. Holland,	Harry C. Pulliam,	Jas. H. Williams-59.
J. A. Humphreys,	E. Petty,	

Those who voted in the negative were:

C. W. Haverly,	J. P. Jeffries,	Andrew Sargent-5.
J. S. Hood,	F. May,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The hour of 2 o'clock P. M. having arrived the House took a recess until 3:30 o'clock.

AFTERNOON SESSION.

The House met at 3:30 o'clock.

Mr. Speaker Beckham in the Chair.

The House took from the orders of the day:

H. B. 126. An act to allow towns where no registration is required to hold separate elections.

Mr. Walker moved an amendment to said bill.

Said amendment was adopted.

Mr. Sargent moved an amendment to said bill

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows,  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in cities and towns where registration is not required, municipal elections shall be held separate and apart from State and county elections. The city council or board of trustees, as the case may be, shall prepare, or cause to be prepared a ballot book in the same manner and form as now prescribed by the general election laws of this Commonwealth, only the names of those shall be placed on said ballots as candidates as have complied with the general election laws concerning the placing the names of candidates on ballots; said ballots to be endorsed by the county clerk in the same manner and form, and delivered to the officers of election in the same manner and at the same time as required by general election laws. At least fifteen days before each municipal election the city council or board of trustees shall appoint officers

of election, who shall possess the same qualifications as officers of general elections, and should any of the officers appointed fail or refuse to serve, the vacancies shall be filled in same manner as such vacancies are filled in general elections. The officers of election will count the ballot cast for each respective candidate for the city or town officers. Said officers will make two certificates of the result, one of which they will certify and deliver to the clerk of the county court, in the same manner and at the same time as now prescribed by general election laws for the election of State, county and district officers, and one of which they shall certify, and, within three days after the election, deliver to the clerk of the city council or board of trustees.

Sec. 2. In cities and towns where there are more than three hundred and fifty legal voters, the city council or board of trustees, as the case may be, may, not less than sixty days before any November election, divide the city or town into not more than four wards, which shall remain so constituted unless changed or abolished by a future council or board, otherwise the city or town, including towns divided by county lines, shall be one precinct in municipal elections.

Sec. 3. All expenses of a municipal election shall be paid by the municipality.

Sec. 4. All contested elections in towns for municipal officers shall be decided as may be provided by ordinance.

Sec. 5. All laws or parts of laws in conflict with this act are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. A. Ingram,	E. H. Read,
A. C. Brown,	J. H. Lackey,	J. S. Robey,



J. L. Brown,	D. D. Lykins,	S. Atwood Smith,
George H. Bishop,	J. R. Mallory,	G. Weissinger Smith,
W. H. Cole,	J. D. Moquot,	F. G. Shepherd,
Reuben Conner,	J. R. Mount,	J. A. Small,
A. H. Charlton,	J. J. Marquette,	Andrew Sargent,
T. W. Clark,	John M. Moore,	W. T. Sharp,
W. T. Chilton,	W. H. McKee,	O. P. Searcy,
W. H. Cooke,	F. May,	Miles Spurlock,
J. C. Cantrill,	J. H. Minor,	G. B. Stout,
J. Morgan Chinn,	W. A. Morris,	Ham. Shehan,
A. S. Denton,	J. Mc. Meloan,	B. F. Saunders,
Claude Desha,	M. F. North,	A. J. Thompson,
M. T. Freeman,	Chas. Aaron Nelson,	George Traver,
W. W. Gill,	Emmett Orr,	H. S. Vanzant,
W. C. Holland,	Chas. F. Ogden,	L. E. Weatherford,
C. W. Haverly,	Michael O'Sullivan,	C. A. Wilson,
J. A. Humphreys,	L. J. Owen,	C. B. Wheeler,
W. C. G. Hobbs,	Harry C. Pulliam,	R. C. Walker,
John T. Hinton,	E. Petty,	David Woods,
J. P. Haswell, Jr.,	W. C. Pike,	J. D. Wills,
W. B. Henderson,	A. B. Pieratt,	Jas. H. Williams—72.

Those who voted in the negative were:

J. P. Jeffries, J. M. Lee, Reuben Morris—3.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 233. An act to amend section 3706, article 7, chapter 89 of Kentucky Statutes entitled, "Municipal corporations."

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 3706, article 7, chapter 89 of Kentucky Statutes, entitled, "Municipal corporations," be and the same is hereby amended as follows:

"The board of trustees of said town is hereby authorized and empowered by ordinance to establish the grade of streets and upon the petition of the owners of two-thirds of the fronting and abutting feet of ground lying between the points to be improved by ordinance to cause the streets, alleys, side-walks and public ways owned by said town to be graded, paved, sewered, macadamized, curbed and guttered in such manner as may be designated; the cost and expense incurred in constructing said streets, alleys, side-walks, sewers and public ways, as above set forth, shall be borne and paid by the owners of lots fronting and abutting thereon in proportion to the frontage owned by each, to the entire length of the whole of the improvement sufficient to cover the expense thereon, and the proportion of expense of each lot or number of lots so fronting and abutting thereon, shall be assessed upon and against the same, and such expense shall be a lien thereon from the date of awarding the contract therefor, with six per cent. interest thereon from the date of the letting of the work until paid. Provided, The expense thereon shall not exceed the sum of twenty-five per cent. of the value of said property, estimated after the improvement is made, excluding buildings thereon. Upon the passage of such ordinance it shall be the duty of the board of trustees to advertise and let the work to the lowest responsible bidder, and within thirty days from the making of the contract for doing the work as herein provided for, it shall be the duty of the board of trustees of the town to issue the bonds of such town in such sums as the board may order, not exceeding the sum of the contract price for the work and the expense attending same, including expense attending the issuing of the bonds; that such bonds shall be redeemable by the said town at any time within ten years after the issuing of the same; that the board may ordain

the same bonds may be payable at any bank in the State of Kentucky."

Sec. 2. A lien shall exist for the cost of the improvement herein provided for, upon said lot or number of lots fronting, abutting or bordering upon the improvements and shall be superior to all other liens for the payment of the improvement on each lot with six per cent. interest thereon, and the payment may be enforced for the expense imposed thereon by suit in equity; and any error in the proceedings of the board of trustees shall not exempt from such payment or defeat said lien if the work has been done as required by ordinance of the board of trustees. The courts in which such suits may be pending shall disregard all errors and do justice to all parties concerned, and if such improvement be made as provided for by ordinance in no event shall the town be liable therefor without the right to enforce it against the property deriving the benefit therefrom.

Sec. 3. In all actions to enforce liens as authorized by this act, a copy of the ordinance authorizing the improvement of the work, a copy of the contract therefor and a copy of the apportionment, each attested by the clerk of the town shall be prima facie evidence of the contract and shall be prima facie evidence of every other fact necessary to be shown by the plaintiff in such actions and entitle him to relief otherwise given in this act.

Sec. 4 The clerk of the town as aforesaid shall make out all apportionment warrants for which liens are given for improvement of the public ways as may be required by ordinance, and within two days thereafter he shall enter the same upon a register for that purpose, and when the holder of said warrants has received payment he shall notify the clerk of the town and he shall mark it down on the register as paid. The clerk of the town shall be allowed a fee of ten cents for the entry and indexing of such register. The lien shall not be valid against the purchaser for value without notice unless it shall be so

entered and registered within three months of the issuing of the apportionment warrants.

Sec. 5. The clerk of the town shall issue warrants against the lot owners in favor of the contractor, stating the amount due him, which shall bear interest from the date of the acceptance of the work by the board of trustees, and specify the name of the owner, and give a short description of the lots subject to a lien. Warrants so issued shall be prima facie evidence that all proceedings preliminary thereto have been complied with as required by law. Upon these warrants the contractor or his assignee may bring suit in equity in the circuit court of the county, making the owners of all unpaid warrants growing out of the same contract, parties to the suit.

Sec. 6. The board of trustees shall require the accepting contractor of said work to execute bond with sufficient surety to such board of trustees, for the faithful performance of his duties, and the contractor shall, within ten days thereafter, begin his work under said contract, and shall complete same without delay.

Sec. 7. When the work hereunder is undertaken and is completed in accordance with the contract, the work shall be received by the said board of trustees upon the the certificate from the engineer of said town, stating that the work has been done according to contract and said board of trustees shall order payment for the same made to the contractor and the issuing of an order upon the treasurer of said town to pay the same in full out of the "public improvement fund."

Sec. 8. That within thirty days after the signing of this contract by the contractor for the improvement contemplated herein, it shall be the duty of the board of trustees of said town to issue the bonds of said town in such sums as the board may order, not exceeding the sum of the contract price for the work and the expense attending the completion of said work, including the expense attending the issuing of said bonds, which bonds shall be redeemable by the town at any time

within ten years after the date of issue of the same that the said board of trustees may ordain and the said town may redeem any of the said bonds before said date or dates within the said ten years as may be stated in said bond or bonds.

Sec. 9. The money received from the sale of bonds provided for herein shall be kept by the treasurer of said town in a separate fund to be known as the "Street Improvement Fund," and the board of trustees shall designate some depository in which the "Street Improvement Fund" shall be kept, and the said treasurer thereof shall pay out of said fund all orders that the board of trustees may direct paid for, in said amounts herein provided for and said treasurer shall keep a separate account of the monies received for "Street Improvement Fund" and paid out of that account, and the same treasurer shall be responsible under his bond as such treasurer, for the money accruing and received by him hereunder and for the faithful performance of the duties required of him herein. The amount of the bonds issued for any one improvement, together with the interest thereon for the time intervening between the date of said bonds and the receiving of the work by the said board of trustees, shall be taken to be the cost of the improvement, and this cost, as soon as these bonds are issued for any one improvement, are to be assessed equally for the feet front upon the property fronting or abutting or bordering upon said improvement. The intersection of streets and crossings adjoining said improvement is to be added to the cost of the improvement to be paid by the property holders fronting or abutting the improvement made. Assessments shall be made as soon as the improvement is fully completed, and the sum assessed, which shall include the cost of the intersections and crossings aforesaid against each piece of property, and also the owners thereof should be placed upon the tax list of the town and shall be payable to and at the office of the treasurer of said town as aforesaid, in ten equal annual installments, with interest at six per cent. per annum upon the unpaid por-

tion thereof. The first installment, together with interest upon the whole amount at six per cent. per annum, shall be paid at the first payment of taxes next succeeding the date of placing the same upon the tax list, and the following installments annually thereafter with interest on the installments not due at the issue, until all the installments are paid. The assessment may be collected like other taxes, and the said town may at any time, after one installment remains delinquent thirty days, by suit in equity, enforce this lien for all unpaid installments, with interest thereon to date of satisfaction of same and its cost expended.

Sec. 10. The assessment herein provided for, together with the interest accruing thereon, shall be a lien upon the property fronting or abutting or bordering upon the street or other improvement, from time of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off, including interest and cost, having precedence over all other liens; and said liens shall not be defeated or postponed by judicial sale, or by any mistake in the description of the property or in the name or names of the owners thereof, but the owners of a lot or number of lots may at any time after the assessment for the street improvement is made, be entitled to pay the amount of such assessment up to and including the next ensuing date provided for the payment of such taxes, and the liens herein provided for shall be settled. If any one shall divide his property so that the number of feet fronting on improvement is separated into smaller lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amounts thereon, or the lien may be apportioned to the new owners by the clerk of said town, calculating by the ratio of feet front of said lot or lots in proportion to the feet front of the original contract.

Sec. 11. The money received for the assessment shall be appropriated upon an order of the board of trustees on the

treasurer of said town, and the payment of the interest and to the redemption of the bonds which may be issued for the improvement herein provided for.

Sec. 12. This act shall take effect and be in force from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	W. H. Ragland,
Bruce Adkins,	D. D. Lykins,	J. S. Robey,
J. L. Brown,	J. D. Mocquot,	S. Atwood Smith,
George H. Bishop,	Reuben Morris,	F. G. Shepherd,
Rueben Conner,	J. R. Mount,	J. A. Small,
A. H. Charlton,	W. H. McKee,	Andrew Sargent,
J. C. Cantrill,	Chas. F. Ogden,	O. P. Searcy,
M. T. Freeman,	L. J. Owen,	Frank M. Tracy,
J. A. Humphreys,	Harry C. Pulliam,	George Traver,
W. C. G. Hobbs,	E. Petty,	C. A. Wilson,
John T. Hinton,	W. C. Pike,	R. E. Watkins—33.

Those who voted in the negative were:

B. W. Bradburn,	G. W. Hickman,	A. B. Pieratt,
A. C. Brown,	J. A. Ingram,	E. H. Read,
A. Bertram,	J. P. Jeffries,	W. T. Sharp,
W. H. Cole,	J. H. Lackey,	Miles Spurlock,
T. W. Clark,	J. M. Lee,	G. B. Stout,
W. T. Chilton,	J. R. Mallory,	Ham. Shehan,
W. H. Cooke,	J. J. Marquette,	B. F. Saunders,
A. S. Denton,	John M. Moore,	H. S. Vanzant,
Claude Desha,	J. H. Minor,	L. E. Weatherford,
W. W. Gill,	W. A. Morris,	R. C. Walker,
C. W. Haverly,	J. Mc. Meloan,	David Woods,
J. S. Hood,	M. F. North,	J. D. Wills,
W. B. Henderson,	Chas. Aaron Nelson,	Jas. H. Williams—39.

So said bill was rejected.

Mr. Hobbs entered a motion to reconsider the vote by which said bill was rejected.

Mr. Moore, of the Committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, viz:

H. B. 43. An act to amend and re-enact section 4443 of article 8, of chapter 113 of Kentucky Statutes (being section 79 of the common school law of 1896), of an act to provide an efficient system of common schools throughout the State.

H. B. 64. An act to amend section 2276 Kentucky Statutes to regulate the fees of special jurors.

H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane at Lexington, Kentucky.

And had found the same correctly enrolled.

Said bills were then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature hereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Moore reported that the committee had performed that duty.

The House took from the orders of the day:

H. B. 284. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, as amended March 7, 1894.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Amend section 15 of said act by striking out



the words, "the first day of December of each year," and inserting in lieu thereof, "the first day of March of each year." Also amend said section by striking out "the first day of January of each year," and inserting in lieu thereof "the first day of March of each year;" so that said section, when so amended, will read as follows, to-wit:

"Sec. 15. All State, county and district taxes, except as otherwise especially provided, shall be due and payable on and after the first day of March after the assessment; and the sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of May, July, September, November, December, January and February, under oath, report to the Auditor of Public Accounts the amount of taxes he has collected and pay the same immediately, and shall account for and pay all taxes for which he is bound into the State Treasury by the first day of March of each year; and upon his failing to do so, he and his sureties shall be proceeded against at the first term thereafter of the Franklin Circuit Court. Any person or persons failing to pay their taxes by the first day of December in the year following the assessment for such taxes, shall pay six per centum additional on the tax so due and unpaid. Any sheriff who shall fail to report, as herein required, shall be liable to indictment in the Franklin Circuit Court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense; and it shall be the duty of the Auditor to report to the grand jury of Franklin county at the next term of said court after such failure to report, the name of such sheriff so failing to report. The sheriff shall be required by the Auditor to pay a penalty of six per centum on all taxes due and unpaid by him on the first day of March in each year. The Auditor, in his settlement with the sheriff, shall charge him with the several penalties accruing under the provisions of this act."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	W. H. Ragland,
Bruce Adkins,	J. P. Jeffries,	E. H. Read,
B. W. Bradburn,	J. M. Lee,	S. Atwood Smith,
J. L. Brown,	J. R. Mallory,	G. Weissinger Smith,
Geo. H. Bishop,	J. D. Mocquot,	F. G. Shepherd,
A. Bertram,	Reuben Morris,	J. A. Small,
Reuben Conner,	J. R. Mount,	Andrew Sargent,
A. H. Charlton,	J. J. Marquette,	O. P. Searcy,
W. W. Combs,	W. H. McKee,	G. B. Stout,
W. T. Chilton,	F. May,	Ham Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
A. S. Denton,	Chas. Aaron Nelson,	A. J. Thompson,
W. W. Gill,	Emmett Orr,	Frank M. Tracy,
W. C. Holland,	Chas. F. Ogden,	George Traver,
J. A. Humphreys,	L. J. Owen,	L. E. Weatherford,
J. P. Haswell, Jr.,	Harry C. Pulliam,	C. B. Wheeler,
W. B. Henderson,	E. Petty,	R. C. Walker,
G. W. Hickman,	W. C. Pike,	Jas. H. Williams—54.

Those who voted in the negative were:

M. T. Freeman,	H. S. Vanzant,	J. D. Wills—4.
A. B. Pieratt,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 205. An act to amend an act entitled, "An act for the government of cities of the first class."

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 133 of the act for the government

of cities of the first class be and the same is hereby repealed and in lieu thereof be it enacted that when from any cause the judge of said court shall fail to attend and to hold court the clerk of said court shall hold an election for judge pro tem of said court, and the members of the bar then present shall vote by ballot for the election of such judge, and the judge pro tem shall have the same rights, powers and duties as the regular judge has, and the judge pro tem shall receive the same pro rata compensation paid the judge of the court, and the amount so paid the judge pro tem shall be deducted from the salary of the regular judge of the court unless such regular judge is prevented by illness from acting as judge or unless during the vacation of such regular judge allowed by law.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Ahele,	J. P. Jeffries,	E. H. Read,
Bruce Adkins,	J. H. Lackey,	J. S. Robey,
Geo. H. Bishop,	D. D. Lykins,	S. Atwood Smith,
A. Bertram,	J. M. Lee,	G. Weissinger Smith,
W. H. Cole,	J. R. Mallory,	F. G. Shepherd.
Reuben Conner,	J. D. Mocquot,	J. A. Small,
W. W. Combs,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	W. H. McKee,	G. B. Stout,
W. H. Cooke,	F. May,	Ham. Shehan,
J. C. Cantrill,	J. H. Minor,	B. F. Saunders,
J. Morgan Chinn,	W. A. Morris,	Frank M. Tracy,
A. S. Denton,	J. Mc. Meloan,	South Trimble,
W. W. Gill,	M. F. North,	George Traver,
W. C. Holland,	Chas. Aaron Nelson,	L. E. Weatherford,
C. W. Haverly,	Chas. F. Ogden,	C. A. Wilson,
J. A. Humphreys,	Harry C. Pulliam,	C. B. Wheeler,
James M. Hall,	E. Petty,	R. E. Watkins,

John T. Hinton,	W. C. Pike,	R. C. Walker,
W. B. Henderson,	A. B. Pieratt,	J. D. Wills,
G. W. Hickman,	W. H. Ragland,	Jas. H. Williams-64
Anderson Hatfield,		

Those who voted in the negative were:

A. H. Charlton,	L. J. Owen,	H. S. Vanzant-5.
Reuben Morris,	Andrew Sargent,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

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TUESDAY, MARCH 8, 1898.

The House was opened with prayer by Rev. Geo. H. Mean, of the M. E. church, South.

The Journal of yesterday was approved.

Mr. Williams moved the adoption of the following resolutions, viz:

Resolved, That the Speaker of this House appoint a committee of three members of this honorable body, whose duty it shall be to investigate and report immediately if all the members on this floor have received their full quota of the Governor's messages as ordered by this body in the early days of this session.

Said resolution was adopted.

Whereupon the Speaker appointed Messrs. Williams, Read and J. L. Brown as said committee.

The House took from the orders of the day:

H. B. 434. An act to provide for county police in certain counties.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in counties where there are three cities which are in one or the other grade of cities above cities of the fifth class, there shall be appointed by the circuit judge of said county a police commission, which shall consist of five members, of whom not more than three shall belong to the same political party. They shall be 30 years of age, housekeepers and voters in the county, and shall be appointed for a term of four years. They shall each take an oath for the faithful performance of their duties, and they shall serve until their successors are appointed and qualified.

Sec. 2. The said police commission shall organize by appointing one of their members president, and they may appoint a secretary. They shall keep minutes of all their proceedings. They shall have the power to appoint policemen for the county and make rules and regulations for the government thereof, and they shall appoint a chief of police and such other officers as they shall deem necessary and proper. They shall assign police appointed by them for duty in the several municipal corporations in the county, and in the county outside of the said municipal corporations, except that they shall appoint none for the county unless the fiscal court shall petition therefor.

They shall be the judges of how many police are necessary for each municipality, but on petition of any municipality they shall increase the number as petitioned.

They shall fix the salaries of all policemen, rank and file, and shall certify salaries of those assigned to the several municipalities and the fiscal court respectively for payment, and

the said municipalities and the fiscal court shall pay the salaries so certified. The board shall fix the salary of their secretary and their chief of police, and shall apportion the same between the municipalities in the county and the county outside of the municipalities, the latter only if it has petitioned for police, according to the last assessed value of property for State taxation by the assessor, and shall certify the same to the said municipality and county for payment, and they shall pay the same.

Said police shall have jurisdiction over the whole county, and neither of the municipalities in the county or the county shall appoint others.

Each municipality shall provide station-houses, as required by the commission, and the commission may provide for patrol wagons and apportion and certify the cost of same among the municipalities where used, and the same shall be paid as provided for the salary of the chief of police and secretary of the board.

Not more than sixty per cent. of the policemen appointed by the commission shall belong to the same political party.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. A. Ingram,	E. H. Read,
J. L. Brown,	J. P. Jeffries,	J. S. Robey,
George H. Bishop,	R. C. Jarnagin,	S. Atwood Smith,
Reuben Conner,	Joseph F. Laufer,	F. G. Shepherd,
A. H. Charlton,	J. M. Lee,	O. P. Searcy,
T. W. Clark,	J. R. Mallory,	Miles Spurlock,
W. H. Cooke,	J. D. Mocquot,	G. B. Stout,
J. E. Cahill,	Reuben Morris,	Ham. Shehan,
J. Morgan Chinn,	J. R. Mount,	B. F. Saunders,

A. S. Denton,	J. J. Marquette,	A. J. Thompson,
Claude Desha,	W. J. Mears,	Frank M. Tracy,
J. B. Depp,	John M. Moore,	George Traver,
W. W. Gill,	J. Mc. Meloan,	L. E. Weatherford,
W. C. Holland,	M. F. North,	C. A. Wilson,
J. A. Humphreys,	Chas. Aaron Nelson,	C. B. Wheeler,
W. C. G. Hobbs,	Michael O'Sullivan,	R. E. Watkins,
John T. Hinton,	E. Petty,	R. C. Walker,
J. P. Haswell, Jr.,	A. B. Pieratt,	J. D. Wills,
W. B. Henderson,	L. C. Rawlings,	J. H. Williams—60.

Those who voted in the negative were: none.

W. T. Chilton,	Emmett Orr,	H. S. Vanzant—3.
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Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Desha called up the motion entered on yesterday by Mr. Hobbs to reconsider the vote by which the House rejected:

H. B. 233. An act to amend section 3706, article 7, chapter 89, of an act entitled "Municipal Corporations."

Mr. Cooke moved to lay said motion on the table.

Said motion was rejected.

Said motion to reconsider was then rejected.

So said bill was rejected.

Mr. Meloan, from the Committee on Railroads, to which the same had been committed, reported:

H. B. 264. An act for the perfect assessment and collection of taxes from railroad companies.

Without an expression of opinion.

Mr. Orr moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

(For bill see House Journal February 17, 1898.)

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

C. W. Haverly,            D. D. Lykins,            J. D. Mocquot—3.

Those who voted in the negative were:

M. Abele,	J. P. Haswell, Jr.,	W. C. Pike,
Bruce Adkins,	W. B. Henderson,	A. B. Pieratt,
B. W. Bradburn,	G. W. Hickman,	L. C. Rawlings,
A. C. Brown,	J. P. Jeffries,	W. H. Ragland,
J. L. Brown,	J. H. Lackey,	E. H. Read,
A. Bertram,	John M. Letterle,	J. S. Robey,
W. H. Cole,	J. M. Lee,	G. Weissinger Smith,
Reuben Conner,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	Reuben Morris,	J. A. Small,
W. W. Combs,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
W. T. Chilton,	W. J. Mears,	G. B. Stout,
W. H. Cooke,	John M. Moore,	Ham. Shehan,
J. E. Cahill,	F. May,	B. F. Saunders,
J. Morgan Chinn,	J. H. Minor,	A. J. Thompson,
John Collins,	W. A. Morris,	George Traver,
A. S. Denton,	J. Mc. Meloan,	H. S. Vanzant,
Claude Desha,	M. F. North,	L. E. Weatherford.
J. B. Depp,	Chas. Aaron Nelson,	C. A. Wilson,
M. T. Freeman,	Emmett Orr,	R. E. Watkins,
W. W. Gill,	Chas. F. Ogden,	R. C. Walker,
W. C. Holland,	Michael O'Sullivan,	David Woods,
J. S. Hood,	L. J. Owen,	J. D. Wills,
J. A. Humphreys,	Harry C. Pulliam,	Jas. H. Williams—74.
W. C. G. Hobbs,	E. Petty,	



So said bill was rejected.

The committees to which the same had been referred, reported bills and resolutions as follows, viz:

By Mr. Humphrey, from the Committee on County and City Courts:

H. B. 440. An act to amend an act entitled, "An act relating to courts of justice," approved June 10, 1893.

By Mr. Mocquot, from the Committee on Codes of Practice:

H. B. 391. An act to amend section 428 of the Civil Code of Practice.

By same:

S. B. 153. An act equalizing the license tax relating to circuses, menageries or other exhibitions displayed under canvas.

By same:

S. B. 99. An act to amend section 124 and subsection 4 of section 113, Civil Code of Practice.

By same:

S. Res. 11. Resolution authorizing and directing the State Librarian to furnish copies of the Reports of decisions of the Court of Appeals to certain counties.

By Mr. Mallory, from the Committee on Criminal Law:

H. B. 374. An act to amend section 27 of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893.

By same:

H. B. 412. An act for the identification of criminals.

By same:

S. B. 106. An act making it unlawful for any corporation to contribute to campaign funds of any political party, or by promises or threats to influence the vote of any employee of such corporation, and providing penalties.

By same:

S. B. 90. An act prohibiting the seining, etc., in lakes and ponds owned by another without his consent, and fixing penalty.

By same:

H. B. 439. An act to amend an act entitled, "An act empowering the county courts of this Commonwealth to authorize the drainage of lands, where the same shall be conducive to the public health, convenience or welfare of its inhabitants," approved July 10, 1893.

By Mr. Chinn, from the Committee on Judiciary:

S. Res. 16. Resolution authorizing suit against the State of Kentucky for certain indebtedness incurred by the State militia.

Mr. Nelson, from the Committee on Conference, submitted the following report, viz:

We, the undersigned members of the conference committee, after four unsuccessful attempts to meet the opposition to the original H. B. 115, entitled, "An act to provide for a uniform system of school text-books at a maximum price," report that as a conference could not be had owing to the filibustering tactics of the opposition; and judging by their actions a refusal to accede to any compromise. We, the majority of the House Committee, together with a minority from the Senate, re-express our belief that the original bill is a meritorious measure, and should have passed.

We therefore submit this report and ask to be discharged.

Signed: C. A. NELSON,  
JOHN M. MOORE.

Said committee was discharged from the further consideration of the matter.

Mr. Ogden moved that the Speaker be authorized to appoint a committee on conference.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Chinn and Desha were as follows, viz:

Those who voted in the affirmative were:

W. H. Cole,	John T. Hinton,	D. D. Lykins,
Reuben Conner,	J. P. Haswell, Jr.,	Reuben Morris,
J. E. Cahill,	Anderson Hatfield,	Emmett Orr,
John Collins,	J. A. Ingram,	Chas. F. Ogden,
C. W. Haverly,	J. P. Jeffries,	Harry C. Pulliam,
J. S. Hood,	R. C. Jarnagin,	H. S. Vanzant,
James M. Hall,	J. H. Lackey,	David Woods—21.

Those who voted in the negative were:

M. Abele,	J. M. Lee,	J. S. Robey,
Bruce Adkins,	J. R. Mallory,	G. Weissinger Smith,
A. Bertram,	J. R. Mount,	F. G. Shepherd,
A. H. Charlton,	J. J. Marquette,	J. A. Small,
W. W. Combs,	W. J. Mears,	O. P. Searcy,
W. T. Chilton,	John M. Moore,	Miles Spurlock,
W. H. Cooke,	F. May,	G. B. Stout,
J. C. Cantrill,	J. H. Minor,	Ham. Shehan,
J. Morgan Chinn,	W. A. Morris,	B. F. Saunders,
A. S. Denton,	J. Mc. Meloan,	A. J. Thompson,
Claude Desha,	M. F. North,	George Traver,
W. W. Gill,	Chas. Aaron Nelson,	L. E. Weatherford,
W. C. Holland,	Michael O'Sullivan,	C. A. Wilson,
J. A. Humphreys,	L. J. Owen,	R. E. Watkins,
W. B. Henderson,	E. Petty,	R. C. Walker,
G. W. Hickman,	A. B. Pieratt,	J. D. Wills,
Joseph F. Laufer,	W. H. Ragland,	Jas. H. Williams—53.
John M. Letterle,	L. C. Rawlings,	

Mr. May moved to reconsider the vote by which said motion was rejected and moved to lay that motion on the table.

Said last named motion was rejected.

The motion to reconsider was then adopted.

The yeas and nays being demanded thereon by Messrs. Ogden and Jarnagin were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. C. G. Hobbs,	Michael O'Sullivan,
Bruce Adkins,	James M. Hall,	Harry C. Pulliam,
T. H. Armstrong,	W. B. Henderson,	A. B. Pieratt,
B. W. Bradburn,	G. W. Hickman,	W. H. Ragland,
A. Bertram,	Anderson Hatfield,	J. S. Robey,
A. H. Charlton,	Joseph F. Laufer,	S. Atwood Smith,
W. W. Combs,	J. M. Lee,	G. Weissinger Smith,
T. W. Clark,	J. R. Mallory,	J. A. Small,
W. T. Chilton,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	W. J. Mears,	G. B. Stout,
J. Morgan Chinn,	John M. Moore,	A. J. Thompson,
A. S. Denton,	W. A. Morris,	South Trimble,
Claude Desha,	J. Mc. Meloan,	C. A. Wilson,
J. B. Depp,	M. F. North,	R. E. Watkins,
W. W. Gill,	Chas. Aaron Nelson,	R. C. Walker,
W. C. Holland,	Emmett Orr,	Jas. H. Williams—52
J. A. Humphreys,		

Those who voted in the negative were:

W. H. Cole,	R. C. Jarnagin,	Chas. F. Ogden,
C. W. Haverly,	D. D. Lykins,	E. H. Read,
J. S. Hood,	Reuben Morris,	H. S. Vanzant,
J. P. Haswell, Jr.,	F. May,	David Woods—14.
J. P. Jeffries,	J. H. Minor,	

So said vote was reconsidered.

The motion of Mr. Ogden was then adopted.

Mr. Mallory, from the Committee on Criminal Law, to which the same had been referred, reported:

S. B. 55. An act to amend section 39, subdivision 5, article 3, chapter 182 of the acts 1891-2-3, approved April 10, 1893.

With the expression of opinion that said bill should not pass.

Said bill was read in full the first time.

The question being taken on ordering said bill to be read the second time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz:

H. B. 197. An act to amend and re-enact section 41, article 5, of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, and being section 4108 of Kentucky Statutes.

H. B. 105. An act to amend section 2, article 1, chapter 221, of an act entitled, "An act relating to courts of justice," approved June 10, 1893, being section 950, subdivision 2, article 1, of chapter 35, Kentucky Statutes.

H. B. 76. An act concerning the salaries of officers of towns of the sixth class.

H. B. 68. An act to amend section 6, article 1, chapter 210, concerning juries, and entitled, "Juries," approved May 22, 1893, and to re-enact said section as herein amended.

H. B. 11. An act to abolish the office of the Register of the Land Office and consolidate the office with Auditor of Public Accounts.

That they had passed bills and adopted a resolution of the following titles, viz:

1. S. B. 94. An act to repeal section 7, chapter 152, session acts 1891-2-3, relating to railroad fences.
2. S. B. 203. An act to provide for the operating expenses of the House of Reform.

3. S. B. 170.. An act providing for an indeterminate sentence of imprisonment in certain cases and prescribing the duties of certain officers in relation thereto.
4. S. B. 174. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any connecting carrier goods or freight at less freight charges than it charges and receives from other common carriers or persons for same or like services, and to prevent such railroad companies from delivering goods or freight to any connecting carrier in violation of the orders and directions of owners and consignees, and prescribing penalties therefor.
5. S. Res. 14. Resolution appropriating money to pay expenses of appropriate ceremonies at the launching of the United States Battleship "Kentucky."

Ordered that said bills and resolution be referred: The first and fourth to the Committee on Railroads and Commerce, the second to the Committee on State Prisons and House of Reform, the third to the Committee on Judiciary, and the fifth to the Committee on Claims.

The House took from the orders of the day:

H. B. 327. An act to repeal chapter 1662 of the acts of the General Assembly of the Commonwealth of Kentucky, session acts 1889-90, which became a law May 20, 1890, without the approval of the Governor, and which is an act to prohibit the sale of spirituous, vinous, malt or intoxicating liquors, or the mixture of either, in the county of Morgan, and to prescribe a penalty therefor.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That chapter 1662 of the acts of the General Assembly of the Commonwealth of Kentucky, session acts 1889-90, and which became a law May 20, 1890, without the approval of the Governor and which prohibits the sale of spirituous, vinous, malt or intoxicating liquors or the mixture of either in less quantity than ten gallons, etc., in Morgan county, be and the same is hereby repealed.

Sec. 2. That this act shall take effect and be in force ninety days after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	A. B. Pieratt,
T. H. Armstrong,	J. P. Jeffries,	L. C. Rawlings,
J. L. Brown,	R. C. Jarnagin,	W. H. Ragland,
W. H. Cole,	D. D. Lykins,	E. H. Read,
A. H. Charlton,	Joseph F. Laufer,	J. S. Robey,
W. W. Combs,	J. M. Lee,	S. Atwood Smith,
T. W. Clark,	Reuben Morris,	F. G. Shepherd,
W. T. Chilton,	J. R. Mount,	J. A. Small,
W. H. Cooke,	J. J. Marquette,	O. P. Searcy,
J. C. Cantrill,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	John M. Moore,	Waller Sharp,
J. Morgan Chinn,	F. May,	G. B. Stout,
A. S. Denton,	J. H. Minor,	Ham. Shehan,
Claude Desha,	W. A. Morris,	B. F. Saunders,
W. W. Gill,	J. Mc. Meloan,	A. J. Thompson,
W. C. Holland,	M. F. North,	South Trimble,
C. W. Haverly,	Chas. Aaron Nelson,	C. A. Wilson,
J. A. Humphreys,	Chas. F. Ogden,	R. E. Watkins,
W. C. G. Hobbs,	L. J. Owen,	R. C. Walker,
James M. Hall,	Harry C. Pulliam,	David Woods,
J. P. Haswell, Jr.,	E. Petty,	Jas. H. Williams—64.
W. B. Henderson,		

Those who voted in the negative were:

M. Abele,

J. D. Wills—2.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The house took from the orders of the day:

H. B. 334. An act authorizing county judges of cities of the second class to appoint transcript clerks.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the county judge of each county in the State containing a city of the second, third and fourth class may appoint a transcript clerk, whose duty it shall be to reduce, or cause to be reduced to writing the substance of the testimony of all witnesses for the Commonwealth in felony cases tried in examining courts or police courts, and to furnish clear, legible and accurate transcripts of the said testimony to the circuit clerk in each of said counties, for the use of the grand jury and the circuit court.

Sec. 2. No salary shall be paid to said clerk, but he shall be allowed as compensation for his services, a fee of three dollars for each transcript of evidence taken by him and furnished to the circuit clerk in cases where the parties charged with felonies are held or bound over to the circuit court, as the result of the trial in the examining court, but in no other cases. The said fee shall be payable to him out of State Treasury upon the certificate of the clerk of the circuit court to whom such transcripts have been furnished that the same, in proper form, have been lodged and filed with him.

Sec. 3. The term of office of said transcript clerk shall begin from his appointment, and expire with the term of the



county judge by whom he is appointed. Before entering upon the duties of his office he shall take the oath prescribed for other court officers, and shall execute a bond in the sum of five hundred dollars for the faithful performance of the duties of his office.

This act shall take effect from and after its passage and approval.

The yeas and nays being required thereon by a provision of the Constitution were as follows:

Those who voted in the affirmative were:

M. Abele,	R. C. Jarnagin,	G. Weissinger Smith,
A. H. Charlton,	D. D. Lykins,	F. G. Shepherd,
J. C. Cantrill,	John M. Letterle,	W. T. Sharp,
J. E. Cahill,	J. D. Mocquot,	Waller Sharp,
W. C. G. Hobbs,	J. R. Mount,	Frank M. Tracy,
James M. Hall,	J. J. Marquette,	South Trimble,
John T. Hinton,	Michael O'Sullivan,	C. B. Wheeler—23.
J. P. Jeffries,	Harry C. Pulliam,	

Those who voted in the negative were:

B. W. Bradburn,	W. B. Henderson,	A. B. Pieratt,
A. C. Brown,	G. W. Hickman,	W. H. Ragland,
A. Bertram,	J. H. Lackey,	E. H. Read,
W. H. Cole,	Joseph F. Laufer,	J. A. Small,
W. W. Combs,	J. M. Lee,	Miles Spurlock,
T. W. Clark,	J. R. Mallory,	G. B. Stout,
W. T. Chilton,	Reuben Morris,	Ham. Shehan,
W. H. Cooke,	W. J. Mears,	B. F. Saunders,
J. Morgan Chinn,	F. May,	A. J. Thompson,
A. S. Denton,	J. H. Minor,	H. S. Vanzant,
Claude Desha,	W. A. Morris,	C. A. Wilson,
W. W. Gill,	M. F. North,	R. E. Watkins,
W. C. Holland,	Chas. Aaron Nelson,	R. C. Walker,

C. W. Haverly,	Chas. F. Ogden,	J. D. Wills,
J. A. Humphreys,	L. J. Owen,	Jas. H. Williams-47.
J. P. Haswell, Jr.,	E. Petty,	

So said bill was rejected.

The House took from the orders of the day:

H. B. 476. An act to repeal section 12, article 1, chapter 48, General Statutes, section 2025 Kentucky Statutes, entitled. "Guardians and wards."

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 12, article 1, chapter 48 of the General Statutes, now section 2025, Kentucky Statutes, be and the same is hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	E. Petty,
B. W. Bradburn,	J. P. Haswell, Jr.,	A. B. Pieratt,
A. C. Brown,	W. B. Henderson,	L. C. Rawlings,
J. L. Brown,	G. W. Hickman,	W. H. Ragland,
A. Bertram,	J. A. Ingram,	E. H. Read,
W. H. Cole,	J. P. Jeffries,	J. S. Robey,
Reuben Conner,	R. C. Jarnagin,	S. Atwood Smith,
A. H. Charlton,	John M. Letterle,	G. Weissinger Smith,
W. W. Combs,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	J. R. Mallory,	J. A. Small,
W. T. Chilton,	Reuben Morris,	O. P. Searcy,
W. H. Cooke,	J. J. Marquette,	Miles Spurlock,
J. C. Cantrill,	W. J. Mears,	G. B. Stout,
J. E. Cahill,	John M. Moore,	B. F. Saunders,

J. Morgan Chinn,	F. May,	South Trimble,
A. S. Denton,	J. H. Minor,	H. S. Vanzant,
Claude Desha,	W. A. Morris,	L. E. Weatherford,
J. B. Depp,	M. F. North,	C. A. Wilson,
W. W. Gill,	Chas. Aaron Nelson,	C. B. Wheeler,
W. C. Holland,	Chas. F. Ogden,	R. E. Watkins,
C. W. Haverly,	Michael O'Sullivan,	R. E. Walker,
J. A. Humphreys,	L. J. Owen,	Jas. H. Williams-68.
James M. Hall,	Harry C. Pulliam,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 386. An act to amend chapter 222 of the Kentucky Statutes, entitled, "An act for the government of cities of the third class," approved June 14, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 23 of chapter 222 of the Revised Statutes, be, and the same is hereby amended as follows: By inserting after the word "power," in the second line the following: "To establish a fire insurance department, which shall provide fire insurance for all property within the city limits, at rates in competition with rates now charged by foreign insurance companies." If amended, section 23, of chapter 222 of the Revised Statutes, will then read as follows:

"Sec. 23. Subject to the limitations imposed by the Constitution and this act, the council shall have power to establish a fire insurance department, which shall provide fire insurance for all property within the city limits, at rates in competition with rates now charged by foreign insurance companies;

to contract debts and to borrow money, and to issue the bonds of the city therefor, and to control the finances and the property of the city. The common council shall also have the power to issue bonds in renewal of any bonds theretofore lawfully issued, and to fund any floating indebtedness of the city lawfully contracted. No bonds of the city shall be sold below par."

Sec. 2. This act shall take effect and be in force from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	J. P. Haswell, Jr.,	L. C. Rawlings,
A. C. Brown,	W. B. Henderson,	W. H. Ragland,
J. L. Brown,	G. W. Hickman,	J. S. Robey,
A. Bertram,	J. H. Lackey,	G. Weissinger Smith,
Reuben Conner,	John M. Letterle,	F. G. Shepherd,
A. H. Charlton,	J. M. Lee,	J. A. Small,
W. W. Combs,	J. R. Mallory,	O. P. Searcy,
W. T. Chilton,	Reuben Morris,	Miles Spurlock,
W. H. Cooke,	J. R. Mount,	G. B. Stout,
J. C. Cantrill,	J. J. Marquette,	B. F. Saunders,
J. E. Cahill,	W. J. Mears,	A. J. Thompson,
J. Morgan Chinn,	John M. Moore,	South Trimble,
A. S. Denton,	W. A. Morris,	George Traver,
Claude Desha,	J. Mc. Meloan,	L. E. Weatherford,
J. B. Depp,	M. F. North,	C. A. Wilson,
W. W. Gill,	Chas. Aaron Nelson,	R. E. Watkins,
W. C. Holland,	Michael O'Sullivan,	R. C. Walker,
J. A. Humphreys,	L. J. Owen,	J. D. Wills,
W. C. G. Hobbs,	Harry C. Pulliam,	Jas. H. Williams-59.
John T. Hinton,	A. B. Pieratt,	

Those who voted in the negative were:

M. Abele,	J. P. Jeffries,	Chas. F. Ogden,
M. T. Freeman,	F. May,	H. S. Vanzant—8.
J. A. Ingram,	J. H. Minor,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 363. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 196 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, be amended by inserting therein the words "foregoing levies," the words "or the poll tax," so that said section when thus amended shall read as follows:

"Sec. 196. In the ordinance fixing for any year the tax rate, the general council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for the reconstruction of streets, a levy for street repairs, a levy for construction and repairs of sewers, a levy for the House of Refuge, a levy for charitable institutions, a levy for parks, a levy for general purposes, and a deficit tax. The general council may omit any of the foregoing levies or the poll tax when not demanded by the public interests."

Sec. 2. That section 197 of said act be amended by striking out the word "shall" therein, after the words, "any deficiency within ninety-five per cent.," and inserting in lieu thereof

the word "may," and by striking out the last sentence therein, consisting of the words: "Any unexpended or unappropriated balances in any current year shall be passed to the same funds for the succeeding year," and inserting in lieu thereof the following words: "Any unexpended balance of an appropriation in any current fiscal year shall be added by the comptroller to the amount appropriated for the same purpose out of the levy for the succeeding year. Unappropriated balances of levies in any current fiscal year when collected shall be passed by the treasurer to the credit of the same funds for the succeeding year," so that when thus amended said section shall read as follows:

"Sec. 197. In no fiscal year shall the general council appropriate or expend, or contract for the expenditure, of more than ninety-five per cent. of the estimated revenue of the current year, unless more than that shall be actually collected; and if in any year less than ninety-five per cent. of the estimated revenue shall be collected, any deficiency within ninety-five per cent. may be provided for in the levy of the next year, and shall be called the 'deficit tax.' Any unexpended balance of an appropriation in any current fiscal year shall be added by the comptroller to the amount appropriated for the same purpose out of the levy for the succeeding year. Unappropriated balances of levies in any current fiscal year when collected shall be passed by the treasurer to the credit of the same funds for the succeeding year."

Sec. 3. That section 207 of said act be amended by striking out the word "Louisville" therein, and inserting in lieu thereof the words "the city," and by adding to said section the words: "The board of equalization, after convening in November, shall close its sessions during the month of December following;" so that said section when thus amended shall read as follows:

"Sec. 207. The board of equalization shall consist of three citizens of the city, to be elected annually in September by the

board of aldermen. They may be removed by the general council. Vacancies caused by such removal, or by death, resignation or departure from the city shall also be filled by the board of aldermen. The general council may compensate the members of said board out of the treasury at a rate not exceeding ten dollars to each day's service. Two members shall make a quorum. If two or all the members of the board fail to attend, the mayor may by writing, under his hand, appoint others to fill their places for the time being. The board, when made up in whole or in part of such appointees, may reduce, but can not increase, assessments. The board of equalization, after convening in November, shall close its sessions during the month of December following."

Sec. 4. The section 267 of said act be amended by adding thereto the following words: "No such action shall be brought against the city, nor shall the city be liable for any such damages, unless the person who claims to have received the injury to his person or property, or some authorized one in his behalf, shall within thirty days after such injury was received, give to the mayor or city attorney notice thereof in writing, stating how, when and where the injury complained of occurred, the extent thereof, and the amount claimed therefor; but if, from physical or mental incapacity, it is impossible for the person injured to give notice within the time prescribed in this section, he may give the same within ten days after such incapacity is removed; and in case of his death, without having given such notice, and without having been for ten days at any time after his injury of sufficient capacity to give the notice, his executor or administrator may give such notice within thirty days after his appointment. Actions against the city for taxes or assessments claimed to have been illegally paid or collected shall be commenced within six months after the cause of action accrued," so that said section when it is thus amended shall read as follows:

"Sec. 267. Actions against the city for damages for injuries

to person or property shall be begun within six months after the cause of action accrued. No such action shall be brought against the city, nor shall the city be liable for any such damages, unless the person who claims to have received the injury to his person or property, or some authorized one in his behalf, shall within thirty days after such injury was received, give to the mayor or city attorney notice thereof in writing, stating how, when and where the injury complained of occurred, the extent thereof, and the amount claimed therefor; but if, from physical or mental incapacity, it is impossible for the person injured to give the notice within the time prescribed in this section, he may give the same within ten days after such incapacity is removed; and in case of his death, without having given such notice, and without having been for ten days at any time after his injury of sufficient capacity to give the notice, his executor or administrator may give such notice within thirty days after his appointment. Actions against the city for taxes or assessments claimed to have been illegally paid or collected shall be commenced within six months after the cause of action accrued."

Sec. 5. That the general council shall have power by ordinance to exempt from municipal taxation, for a period not exceeding five years, manufacturing establishments, as an inducement to their location within the city limits.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	Harry C. Pulliam,
B. W. Bradburn,	J. A. Ingram,	E. Petty,
A. C. Brown,	J. P. Jeffries,	W. C. Pike,
J. L. Brown,	R. C. Jarnagin,	A. B. Pieratt,
George H. Bishop,	J. H. Lackey,	L. C. Rawlings,
A. Bertram,	D. D. Lykins,	W. H. Ragland,
W. H. Cole,	Joseph F. Laufer,	E. H. Read,



Reuben Conner,	John M. Letterle,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	S. Atwood Smith,
W. W. Combs,	J. R. Mallory,	G. Weissinger Smith,
W. T. Chilton,	J. D. Mocquot,	F. G. Shepherd,
W. H. Cooke,	Reuben Morris,	J. A. Small,
J. C. Cantrill,	J. R. Mount,	O. P. Searcy,
J. E. Cahill,	J. J. Marquette,	Miles Spurlock,
A. S. Denton,	W. J. Mears,	G. B. Stout,
Claude Desha,	J. H. Minor,	B. F. Saunders,
W. W. Gill,	W. A. Morris,	Frank M. Tracy,
W. C. Holland,	J. Mc. Meloan,	L. E. Weatherford,
C. W. Haverly,	M. F. North,	C. A. Wilson,
J. S. Hood,	Chas. Aaron Nelson,	R. E. Watkins,
J. A. Humphreys,	Chas. F. Ogden,	R. C. Walker,
John T. Hinton,	Michael O'Sullivan,	Jas. H. Williams-68.
J. P. Haswell, Jr.,	L. J. Owen,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day: '

H. B. 208. An act to amend section 3868 of article 1 of chapter 98 of Kentucky Statutes.

Mr. Hood moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Said section 3868 of the Kentucky Statutes, being section 3868. of article 1 of an act entitled, "An act concerning personal representatives," approved ..... be amended by adding thereto, after the words "burial ex-

penses of such decedent," and before the words, "and the costs and charges of the administration," the following, to-wit:

"Debts contracted on behalf of such decedent for medical services."

So that said section as amended shall read as follows:

"If the personal estate of a decedent be not sufficient to pay his liabilities, then the burial expenses of such decedent, debts contracted on behalf of such decedent for medical services and the costs and charges of the administration of his estate, and the amount of the estate of a dead person or of a ward, or of a person of unsound mind, committed by a court of record to, and remaining in the hands of a decedent, shall be paid in full before any pro rata distribution shall be made; but this preference shall not extend to a demand for him to this State. All other debts and liabilities shall be of equal dignity and paid ratably in the administration of his estate, and should more than the ratable share of any debt be paid, his personal representative shall only receive credit for its proper proportion."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Harry C. Pulliam,	S. Atwood Smith,
J. S. Hood,	W. C. Pike,	G. Weissinger Smith,
W. C. G. Hobbs,	L. C. Rawlings,	G. B. Stout—10.
L. J. Owen,		

Those who voted in the negative were:

Bruce Adkins,	J. A. Ingram,	A. B. Pieratt,
B. W. Bradburn,	J. P. Jeffries,	W. H. Ragland,
A. Bertram,	Joseph F. Laufer,	E. H. Read,
Rueben Conner,	John M. Letterle,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	F. G. Shepherd,
W. H. Cooke,	J. R. Mallory,	J. A. Small,

J. E. Cahill,	Reuben Morris,	W. T. Sharp,
Claude Desha,	J. R. Mount,	O. P. Searcy,
J. B. Depp,	J. J. Marquette,	Miles Spurlock,
M. T. Freeman,	John M. Moore,	B. F. Saunders,
W. W. Gill,	J. H. Minor,	A. J. Thompson,
W. C. Holland,	W. A. Morris,	George Traver,
C. W. Haverly,	M. F. North,	H. S. Vanzant,
J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
John T. Hinton,	Chas. F. Ogden,	David Woods,
W. B. Henderson,	Michael O'Sullivan,	J. D. Wills,
G. W. Hickman,	E. Petty,	Jas. H. Williams-51.

So said bill was rejected.

The House took from the calendar bills as follows, viz:

H. B. 194. An act to amend an act entitled "An act relating to roads and passways." approved March 10, 1894.

H. B. 198. An act to amend and re-enact section 20, chapter 47, of the acts of 1894, entitled "An act to amend chapter 232, of the acts of 1891-2-3, entitled 'An act relating to roads and passways.'"

H. B. 404. An act to repeal chapter 971, session acts 1885-6, entitled "An act to prevent the drifting and floating of saw logs down the Licking river below Salversville," approved May 7, 1896.

H. B. 361. An act to prevent the sale of articles of merchandise at church associations, held outside of incorporated cities and towns in this Commonwealth.

H. B. 360. An act to amend section 27, article 4, of an act relating to cities of the fifth class, entitled, "An act for the government of cities of the fifth class," approved July 3, 1893.

S. B. 36. An act to amend section 1, of an act to amend an act entitled, "An act for the government of towns of the sixth class," approved March 19, 1894.

H. Res. 24. Resolution appropriating money to secure badges for Mexican war veterans.

H. B. 380. An act requiring the county supervisor of roads to be elected by the popular vote of the people, and repealing that part of the present law giving the fiscal court that power.

S. B. 1. An act to provide for the setting apart, formation and disbursement of a police pension fund in cities with a population of one hundred thousand or more.

H. B. 295. An act to amend and re-enact an act entitled, "An act concerning circuit courts having four judges," approved August 22, 1892.

S. B. 97. An act for the benefit of ex-sheriffs of this Commonwealth.

H. B. 387. An act to provide for the payment of a judgment lately recovered by Mason & Foard Company against the Commonwealth.

S. B. 130. Act act to repeal chapter 1445, an act to amend an act to prohibit the sale of spirituous, vinous and malt liquors in the counties of Laurel, Rockcastle, Jackson, Owsley and Clay, approved May 12, 1884.

S. B. 57. An act to amend and re-enact chapter 17, of session acts of the General Assembly of the Commonwealth of Kentucky, which became a law May 11, 1897, and to repeal certain designated portions thereof.

Which bills were severally read the second time and placed in the orders of the day.

The House took from the orders of the day:

S. B. 34. An act to protect unoccupied houses.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That if any person shall enter and take posses-

sion of an unoccupied house belonging to another without the consent of the owner or person having charge thereof, and without, in good faith, claiming to be entitled to the possession, he shall be guilty of a misdemeanor, and on conviction, be punished by a fine of not less than twenty dollars nor more than two hundred dollars.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. S. Hood,	Michael O'Sullivan,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
Reuben Conner,	Joseph F. Laufer,	E. H. Read,
W. T. Chilton,	J. R. Mallory,	S. Atwood Smith,
W. H. Cooke,	J. R. Mount,	G. B. Stout,
J. E. Cahill,	J. J. Marquette,	George Traver,
J. Morgan Chinn,	John M. Moore,	Jas. H. Williams-23.
W. W. Gill,	M. F. North,	

Those who voted in the negative were:

Bruce Adkins,	D. D. Lykins,	A. B. Pieratt,
T. H. Armstrong,	John M. Letterle,	L. C. Rawlings,
A. Bertram,	J. M. Lee,	J. S. Robey,
W. H. Cole,	J. D. Mocquot,	G. Weissinger Smith,
A. H. Charlton,	Reuben Morris,	F. G. Shepherd,
T. W. Clark,	F. May,	Andrew Sargent,
John Collins,	J. H. Minor,	W. T. Sharp,
Claude Desha,	W. A. Morris,	O. P. Searcy,
M. T. Freeman,	J. Mc. Meloan,	Miles Spurlock,
W. C. Holland,	Chas. Aaron Nelson,	Ham. Shehan,
C. W. Haverly,	Emmett Orr,	B. F. Saunders,
W. C. G. Hobbs,	Chas. F. Ogden,	A. J. Thompson,
James M. Hall,	L. J. Owen,	H. S. Vanzant,
John T. Hinton,	Harry C. Pulliam,	L. E. Weatherford,

G. W. Hickman,	E. Petty,	C. A. Wilson,
J. P. Jeffries,	W. C. Pike,	David Woods—49.
R. C. Jarnagin,		

So said bill was rejected.

The House took from the orders of the day:

H. B. 221. An act for the benefit of pauper idiots and lunatics of the State of Kentucky.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, Inquest has not been held every five years upon all idiots and lunatics and they have not therefore received pay for the time between the expiration of five years and the next inquest: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in all cases where inquests have been held and persons found to be pauper idiots or lunatics, and an inquest was not again held for more than five years, it shall be lawful for the committee of such idiots or lunatics to go before the circuit court in the counties, and in open court, make proof of the facts, and if it shall clearly appear that said pauper idiot or lunatic had remained in the same condition and in the care and control of the committee, and was actually provided for by the committee, then said court may allow and direct paid out of the treasury the sums allowed by law to such pauper idiots or lunatics for such time as has not been paid and the Auditor shall draw his warrant in payment therefor.

Sec. 2. It appearing that many pauper idiots and lunatics are actually in need of these small sums, therefore an emergency is declared, and this act shall take effect from its passage and approval.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	A. B. Pieratt,
Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. P. Jeffries,	E. H. Read,
A. Bertram,	R. C. Jarnagin,	J. S. Robey,
W. H. Cole,	D. D. Lykins,	G. Weissinger Smith,
Reuben Conner,	Joseph F. Laufer,	J. A. Small,
A. H. Charlton,	John M. Letterle,	W. T. Sharp,
T. W. Clark,	J. M. Lee,	O. P. Searcy,
W. T. Chilton,	J. R. Mallory,	Miles Spurlock,
W. H. Cooke,	J. D. Mocquot,	G. B. Stout,
J. E. Cahill,	Reuben Morris,	Ham. Shehan,
J. Morgan Chinn,	J. R. Mount,	B. F. Saunders,
John Collins,	J. J. Marquette,	A. J. Thompson,
Claude Desha,	John M. Moore,	George Traver,
J. B. Depp,	W. H. McKee,	H. S. Vanzant,
W. W. Gill,	J. H. Minor,	C. A. Wilson,
W. C. Holland,	W. A. Morris,	C. B. Wheeler,
C. W. Haverly,	J. Mc. Meloan,	R. C. Walker,
J. S. Hood,	L. J. Owen,	David Woods,
J. A. Humphreys,	Harry C. Pulliam,	J. D. Wills,
W. C. G. Hobbs,	E. Petty,	Jas. H. Williams—68.
James M. Hall,	W. C. Pike,	

Those who voted in the negative were:

Chas. Aaron Nelson, S. Atwood Smith, Andrew Sargent—4.  
Chas. F. Ogden,

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Henderson, from the Committee on Legislative Accounts, to which the same had been referred, reported:

S. Res. 2. Resolution providing for the appointment of ser-

vants to attend Senate chamber and hall of House of Representatives, fixing their duties and providing for their pay.

Said resolution was read in full the first time, ordered to be printed, placed on the calendar and read the second time on some other day.

The House took from the orders of the day:

H. B. 252. An act to regulate and further prescribe the duties of assessors and to regulate assessment of property in this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it shall be the duty of the assessor of each county in this Commonwealth upon listing of each freeholder's land for taxation, which at the time is encumbered by outstanding and unpaid purchase money lien notes, shown by deed lodged or recorded in the proper office, or which land may be encumbered by mortgage or other lien of record in the county or circuit clerk's office, shall after first having discovered and assessed such unpaid purchase, money, note or notes, or mortgage or other liens in the hands of a bona fide holder and owner thereof, or in the hands of the agent or attorney of such owner, whether the owner of such liens reside in or out of the county in which liens are found to exist, cause to be entered and written on the tax-list of such freeholder a memorandum showing such fact of assessment of unpaid purchase money, note, or notes, mortgage or other liens, attesting such memorandum in his official capacity, before such list is returned to the county court clerk. Also to record such memorandum in an appropriate column for the purpose, opposite the name of such freeholder, on the assessment returned by him. In order to fully ascertain the amount and character



of the tax-payer's indebtedness on account of lien notes, mortgages and other liens, and to whom due, it shall be the duty of the assessor to carefully inquire of the tax-payer concerning the same under oath. It shall then be the duty of the board of supervisors of the respective counties, at their regular sitting, in all such cases to prepare, subscribe, and file with the respective county clerks a written list of all such persons listing land shown to be encumbered as above, together with a statement of the assessed value, as well as the amount of encumbrance assessed and returned as above by the assessor as to such persons; and such clerk in making out the tax-list thereafter will also state the value of the land assessed to such person, the amount of such encumbrance so shown to exist, deduct same from listed or true valuation as determined by the board of supervisors, showing what balance is taxable against the freeholder, which in all cases as to his realty, shall be the amount on which he is required to pay taxes.

In assessing such note or notes, mortgage and other liens so found to exist the assessors and supervisors in the several counties, shall fix upon them a fair cash value and list them accordingly, as above directed.

And if the sheriffs in the several counties fail to collect the taxes due from the owners of such lien note or notes, mortgage on other liens after diligent effort to do so, the owner of the fee in such land may, if necessary, to protect said property from tax sale or penalty, and in that event he may have the right and it shall be his duty to pay off and discharge the taxes assessed and due upon the said equitable estate: (to-wit, lien note, or notes, mortgage debt on other liens), and the sum so paid by him shall be applied as a credit on his indebtedness to the holders of such liens, as above described and mentioned.

Provided, That nothing in this act shall so operate as to hinder or impair the lien of the Commonwealth upon such real estate to secure the payment of the entire amount of taxes arising upon said property.

S. B. 176. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By same:

S. B. 152. An act to amend and re-enact section 10, article 1, of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By same:

S. B. 85. An act to prevent discrimination by common carriers in the delivery of newspapers.

By Mr. Bradburn, from the Committee on Kentucky Statutes:

S. B. 21. An act to amend an act approved March 16, 1894, entitled, "An act relating to voluntary assignments."

S. B. 65. An act in regard to the renting of land.

S. B. 63. An act to amend an act entitled, "An act to provide for the creation and regulation of real estate title insurance companies."

By Mr. Lackey, from the Committee on Public Health:

S. B. 104. An act to regulate the practice of pharmacy in the Commonwealth of Kentucky, and to establish a board of pharmacy, and define the powers and duties thereof.

By Mr. Chinn, from the Committee on Judiciary:

H. Res. 15. A resolution for the benefit of Martin Norton, of Louisville, Ky.

By same:

S. B. 131. An act to suppress book-making and pool-selling in this Commonwealth.

By Mr. Meloan, from the Committee on Railroads and Commerce:

S. B. 174. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any

connecting carrier, goods or freight at less freight charges it receives from other common carriers or persons for same or like service, and to prevent such railroad corporations or common carrier companies from delivering goods or freight to any connecting carrier in violation of the orders and direction of owners and consignees, and prescribing penalties therefor.

Without an expression of opinion.

By Mr. Trimble, from the Committee on State Prisons and House of Reform:

S. B. 203. An act to provide for the operating expenses of the House of reform.

By Mr. Nelson, from the Committee on Education:

S. B. 178. An act to amend an act to provide for an efficient system of common schools throughout the State, approved July 6, 1883.

By same:

S. B. 109. An act to amend and re-enact section 85, article 8, of chapter 260, of the session acts of 1891-2-3, entitled, "An act to provide for an efficient system of common schools throughout the State."

Which bills were severally read the first time, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. G. Weissinger Smith, from the Committee on Rules, reported the following resolution, viz:

The Committee on Rules is authorized, at any time, to propose to the House, upon the consideration of any question, a plan for the limitation of debate on said question, and should the House, by vote, adopt such limitation, the same shall be enforced. No member shall speak on any question longer than fifteen minutes except by unanimous consent.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills which originated in the House of the

S. B. 176. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By same:

S. B. 152. An act to amend and re-enact section 10, article 1, of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

By same:

S. B. 85. An act to prevent discrimination by common carriers in the delivery of newspapers.

By Mr. Bradburn, from the Committee on Kentucky Statutes:

S. B. 21. An act to amend an act approved March 16, 1894, entitled, "An act relating to voluntary assignments."

S. B. 65. An act in regard to the renting of land.

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S. B. 104. An act to regulate the practice of pharmacy in the Commonwealth of Kentucky, and to establish a board of pharmacy, and define the powers and duties thereof.

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S. B. 174. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any

connecting carrier, goods or freight at less freight charges it receives from other common carriers or persons for same or like service, and to prevent such railroad corporations or common carrier companies from delivering goods or freight to any connecting carrier in violation of the orders and direction of owners and consignees, and prescribing penalties therefor.

Without an expression of opinion.

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By same:

S. B. 109. An act to amend and re-enact section 85, article 8, of chapter 260, of the session acts of 1891-2-3, entitled, "An act to provide for an efficient system of common schools throughout the State."

Which bills were severally read the first time, ordered to be printed, placed on the calendar, and read the second time on some other day.

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The Committee on Rules is authorized, at any time, to propose to the House, upon the consideration of any question, a plan for the limitation of debate on said question, and should the House, by vote, adopt such limitation, the same shall be enforced. No member shall speak on any question longer than fifteen minutes except by unanimous consent.

Said resolution was adopted.

A message was received from the Senate announcing that they had passed bills which originated in the House of the

following titles, viz.

H. B. 55. An act providing for the transportation of bicycles as baggage by all railroads operating in the Commonwealth of Kentucky.

H. B. 228. An act to amend an act approved June 10, 1893, entitled, "An act relating to courts of justice."

H. B. 49. An act to change the name of the town of Dawson City.

1. S. B. 4. An act to amend and re-enact article 1, sections 32 and 38 of acts of 1894, entitled, "An act relating to roads and passways."
2. S. B. 207. An act to amend section 53 of an act entitled, "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893.
3. S. B. 89. An act to repeal an act entitled, "An act to incorporate the town of Bethlehem in the county of Henry," now chapter 513 of session acts of 1878.

Ordered that said bills be referred: The first to the Committee on Internal Improvements, the second to the Committee on Military Affairs, and the third to the Committee on Municipalities.

The House took from the orders of the day:

H. B. 356. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Mr. S. Atwood Smith moved a substitute for said bill.

Said substitute was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act for the government

of cities of the first class," approved July 1, 1893, be amended and re-enacted as follows: By repealing section 76 thereof and enacting the following in lieu thereof:

"Sec. 76. Whenever the board of public works shall order the improvement of any public ways, or public wells or cisterns dug and walled as shall be required by ordinance, and said work shall be completed for the cost of which the property or property owners are liable, as provided in the act of which this is an amendment, each owner of property assessed for such improvement may (if he elect so to do) require the assessments against his property paid in five installments. If the owner of property assessed elect to require the assessments against his property paid in installments, he shall before the expiration of thirty days after the final acceptance of the work by the board, enter into an agreement in writing with the board, that in consideration of such privilege he will waive all errors and defenses, and make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay the sum as required by law with the specified interest, and that the same shall be a lien on his property against which the assessment is made. The agreement shall be filed in the office of the city treasurer. When a property owner has exercised the option to pay in installments, and has executed a waiver, he shall be concluded thereby and shall not be permitted to set up any defense to the assessment. A lien shall exist against the property so assessed to secure the payment of such assessment, which lien shall be superior to all other liens except for taxes, which lien may be enforced by suit in equity as other liens and no mistake in the description of the property, or in the name of the owner shall invalidate such assessment liens, which lien shall begin on the final acceptance of the work.

"In making assessments against each lot or parcel of land the board of public works as soon as any contract for the improvement of any public ways, sidewalks, wells and cisterns

has been completed, shall make out an assessment roll with the names of the property holders, and description of property improved. Said roll shall also have set opposite each name and description, the total pro rata assessment against each piece of property as soon as the assessment is completed. Whenever the board of public works shall approve and accept the entire work done under any contract and allow a final estimate thereof, it shall forthwith deliver to the city treasurer and to the comptroller each a certified copy of the assessment roll. Such duplicate assessment roll shall be known as the local assessment duplicate, and the treasurer and comptroller each shall enter same in a well bound book, which shall be appropriately prepared and extended, showing the amount of assessment against and due on each piece of property assessed, with the names of the property holders and descriptions of the property and the locations of the property assessed; and showing if paid in cash together with necessary columns in which such assessments shall be extended, showing the amount of each installment and when payable, (whenever the same shall be payable in installments), together with the interest as it may fall due. Said book shall also have appropriate columns in which payment may be properly credited, and also a place for entering satisfaction of the lien by the treasurer.

“Assessments whether payable in cash, or in installments, shall be payable to the city treasurer, whose duty it shall be to receive the same, and give proper receipts therefor, and to enter proper credits and satisfaction in said book, or duplicate assessment roll. The treasurer shall keep a separate account of the fund arising for each particular contract for improvement ordered by the board of public works pursuant to this act, and no proceeds arising from assessments for any particular improvement shall be diverted to the payment of any other improvement whatever. The proceeds arising from each assessment shall constitute a separate special fund for the payment of contractors for the particular work upon the allowance of estimates by the board of public works, or for security



and payment of street improvement bonds, if any are issued, as hereinafter provided for such street, or alley, or other improvements for which a lien is given herein.

“For the purpose of anticipating the collection of such installment assessments the city shall issue street or public improvement bonds, payable out of the funds actually paid to and collected by the treasurer of the city on such account, the proceeds of the same to be applied exclusively to payment for the improvements on the particular street, or alley, or work for the anticipation of the installment assessment for which the same are issued.

“Bonds shall be issued for the principal of such installment assessments against the property, the owners of which have exercised the option to pay in installments, and appropriate coupons shall be attached thereto evidencing and representing the annual interest each bond shall be issued for a sum not exceeding five hundred dollars, and the coupons thereto attached shall each evidence and represent one year's interest thereon. The bonds shall bear interest at a rate not exceeding five per centum per annum from date thereof, and shall bear date the same as the final acceptance of the work, and bear interest from that date, and be due at the end of five years from date, but shall be subject to be called sooner as hereinafter provided. Each bond shall bear the name of the street, alley, or sidewalk or improvement for which it is issued, and shall appropriately designate the improvement or work for which it is issued, and bonds issued on each separate contract shall be numbered serially. Assessments in cases where the option to pay in installments is exercised, shall be payable as follows:

“Twenty per centum of the whole amount of the original assessment against each piece of property together with eleven months' interest on the whole assessment shall be paid at the end of eleven months from the date of the final acceptance of the work, and twenty per centum of the whole assessment at

the end of each twelve months thereafter, together with annual interest on the whole amount of unpaid installments, said interest to be computed at six per centum and payable annually.

"It shall be the duty of the treasurer to set apart all monies paid in on each particular contract, and to keep such monies separate from all othes monies received by him, for the purpose of creating a fund to pay the bonds and coupons issued from such particular contract, and he shall not use the money received by him in payment of such installments for any other purpose whatsoever than in paying bonds and coupons issued on such particular work, and the treasurer shall pay out of the money so received by him the interest coupons and principal of the bonds which have been issued on such particular work, to the holders of said bonds and coupons as they matured unless said bonds have before maturity been called in and paid; but in no event shall the city be liable on said bonds or coupons.

"It shall be the duty of the treasurer to deposit all monies received by him on installment assessments in some safe depository, to draw interest at the highest rate of interest that he can obtain; the interest to be computed on monthly balances, and the assessment collected on each separate contract shall be deposited as a separate account and so designated as to identify the particular work or contract upon which it is collected, the designation of the particular account being the same as the designation of the bond issued against the particular work.

"Whenever the treasurer shall have to the credit of any particular account sufficient money to pay off one or more bonds belonging to that series, he shall call in and pay as many bonds as he may have money enough, belonging to that particular account, to pay after having first set aside funds sufficient to pay all accrued and unpaid interest and the annual interest next to fall due on all that series of bonds.

The treasurer shall advertise the bonds called by notice given in some daily paper published in the city, and he shall keep a register of such called bonds posted in some conspicuous place in his office. Said notice and poster shall be made thirty days before the call and interest on bond called shall cease after said call, but such calls can be made not oftener than twice each year. When calls are made it shall be for bonds according to their serial numbers; when such bonds are called the treasurer must pay their face value and interest thereon up to the date of calling.

"Failure to pay within thirty days after maturity an installment of principal or interest, of said installment assessment when the same is due shall bring all installments of principal and interest yet unpaid forthwith due and payable, together with a penalty of ten per centum upon any and all installments, or part thereof unpaid, whether the same have theretofore matured or not; all of such amounts shall be collectible forthwith, by the treasurer, by suit of foreclosure of the lien herein given against the property upon which such lien exists.

"After the issue of such bonds no suit shall lie to enjoin the collection of any such installment assessment, and the validity of same shall not be questioned, but all property owners shall be conclusively estopped and precluded from in any manner assailing the effectiveness or validity of such assessments.

"Such bonds, when issued, shall convey and transfer to the owners thereof a lien, right, title and interest in and to such installment assessments, and liens upon the respective lots or parcels of ground as hereinbefore provided for to the extent of the assessment against each respective lot which lien shall stand as security for such bonds and coupons until their payment with full power to enforce the collection thereof, by foreclosure and sale of property in any court of competent jurisdiction as provided in the preceding section.

"Where property owners have exercised the option of paying in installments, and subsequently thereto shall make default

of any assessment of principal or interest, suits to enforce such assessment and penalty shall be brought by the city attorney in the name of the treasurer as trustee for the holders of bonds issued on account of such assessment, but all suits brought for assessments against property owners who have not exercised the option to pay in installments shall be brought by and in the name and at the cost of the contractor or his assignee. When the final estimate is made and the work received by the board of public works, the contractor shall be entitled to receive from the city treasurer the assessments which may be paid in cash other than installment assessments, and shall be entitled to receive the bonds issued to cover the installment assessments, and the board of public works shall issue to the contractor apportionment warrants for such assessments as have not been paid in cash, and which are against such persons as have not accepted the option to pay in installments. All apportionment warrants shall bear interest from date, and shall be a lien on the property against which the assessments are made, which shall be prior to all liens except liens for taxes. When the holder of said warrant shall have obtained payment he shall notify the city treasurer within five days after such payment, and it shall be entered by the treasurer on the local assessment duplicate as satisfied.

"All bonds issued under and by virtue of authority given in this act shall be made payable to bearer, and be free from all defenses by any property owner or owners. It shall not be necessary in said bonds to recite the steps taken in ordering such improvement or directing the assessment; but it shall be sufficient to make a general reference to such assessment and to this statute.

"Said bonds and coupons shall be signed by the mayor of the city, and shall be attested by the treasurer, and shall be received by the contractor on payment of the contract price at their par value.

"It shall be the duty of the city attorney to institute and

prosecute suits to recover delinquent installment assessments without charge of fee for services against the funds collected on such assessments or against the holders of the bonds issued against such assessments.

"Section 76 of the original act, of which this act is an amendment, is hereby repealed."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
T. H. Armstrong,	J. H. Lackey,	L. C. Rawlings,
B. W. Bradburn,	Joseph F. Laufer,	W. H. Ragland,
A. C. Brown,	J. M. Lee,	J. S. Robey,
George H. Bishop,	J. R. Mallory,	S. Atwood Smith,
A. Bertram,	Reuben Morris,	G. Weissinger Smith,
Reuben Conner,	J. J. Marquette,	J. A. Small,
A. H. Charlton,	W. J. Mears,	O. P. Searcy,
T. W. Clark,	R. C. Myers,	Miles Spurlock,
W. T. Chilton,	J. H. Minor,	Waller Sharp,
W. H. Cooke,	J. Mc. Meloan,	G. B. Stout,
J. E. Cahill,	M. F. North,	Ham. Shehan,
J. Morgan Chinn,	Chas. Aaron Nelson,	A. J. Thompson,
A. S. Denton,	Chas. F. Ogden,	Frank M. Tracy,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	E. Petty,	R. E. Watkins,
W. C. Holland,	W. C. Pike,	R. C. Walker,
W. C. G. Hobbs,	V. Perkins,	Jas. H. Williams-58.
W. B. Henderson,		

Those who voted in the negative were:

J. D. Wills-1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 295. An act to amend and re-enact an act entitled, "An act concerning circuit courts having four judges," approved August 22, 1892.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the whole of the act entitled, "An act concerning circuit courts having four judges," approved August 22, 1892, be and the same is hereby amended and re-enacted so as to read as follows: "That in every district which may now or hereafter be entitled to five circuit judges, such judges shall be voted for separately. The ballots shall specify as follows: 'For judge of the circuit court, criminal branch; for judge of the circuit court, chancery branch; for judge of the circuit court, common pleas branch; for judge of the circuit court, law and equity branch; for judge of the circuit court, fifth branch.'

"The person receiving the largest number of legal votes, marked 'criminal branch,' shall be elected; and, in like manner, the persons receiving, respectively the largest number of legal votes marked 'chancery branch,' 'common pleas branch,' 'law and equity branch,' and 'fifth branch,' shall be elected. In case of a tie in any of said elections, the result shall be decided as in a case of a tie between two or more candidates for single office."

Sec. 2. This act shall also apply to the filling of vacancies in the office of circuit judge in such district.

Sec. 3. Each of said judges shall be commissioned as a circuit judge for the district for which he is elected, and shall have all the powers of a circuit judge and shall receive the same compensation.

Sec. 4. Every circuit court in the Commonwealth having

or which may have five judges, shall have five branches to be named, respectively, criminal branch, chancery branch, common pleas branch, law and equity branch, and fifth branch.

Sec. 5. Every such court shall have continuous session.

Sec. 6. Of all cases within the jurisdiction of such court all criminal prosecutions and proceedings on bail bonds and recognizances in criminal cases shall be brought and prosecuted in the criminal branch. Litigation prosecuted in the other branches shall be distributed as equally as may be between them, in accordance with the rules of court made in general term. Until such rules are made, whenever fourteen equitable actions or special proceeding of such litigation are unassigned, the clerk shall, in the presence of one of the five judges, after having written the style or number of each of said causes upon a separate slip or card, place the said fourteen cards or slips (all being of the same size and color) in a box or receptacle therefor prepared; whereupon such judge shall in person, without seeing the numbers thereon, draw them indiscriminately therefrom, one at a time and assign them to said branches, giving to the chancery branch the first eight drawn, to the common pleas branch the next two drawn, to the law and equity branch the next two drawn, and to the fifth branch the remaining two; and whenever twelve actions or special proceedings, not equitable, or unassigned, one of the judges shall in like manner draw and assign them to the three remaining branches; that is to say, excluding the criminal and chancery branches, giving to the common pleas branch the first four drawn, to the law and equity branch the next four drawn and to the fifth branch the next four drawn.

Until said causes or proceedings are so assigned, any orders required therein may be made by any one of said five judges.

None but equitable actions or special proceedings shall be assigned to the chancery branch.

No rule of court shall authorize the assigning of more law

or equity causes to one or the other of the three branches, common pleas, law and equity and fifth.

Sec. 7. Each judge of said court shall be assigned to preside over one branch of said court during his entire term of office, except as hereinafter provided. Said assignment shall be made as follows: The judge elected by ballots marked "criminal branch," shall, during his entire term, preside over the criminal branch; the judge elected by ballots marked "chancery branch," shall, during his entire term, preside over the chancery branch; the judge elected by ballots marked "common pleas branch," shall during his entire term preside over the common pleas branch; the judge elected by ballots marked "law and equity" branch shall, during his entire term, preside over the law and equity branch, and the judge elected by ballots marked "fifth branch" shall, during his entire term, preside over the fifth branch.

When a vacancy is filled, the judge appointed or elected to fill same shall preside over the branch presided over by the judge whose place became vacant; and if more than one vacancy is filled by appointment or at any election, the judges filling them shall preside over the branches respectively designated by the ballots electing them or to which they may be respectively appointed.

Sec. 8. Rules of general term shall provide for transfer of causes or issues from one branch to another or from one docket of a branch to another docket of the same branch, whenever, by reason of the nature of the cause or issue or the disability of the judge, such transfer may be proper. But no transfer shall be made of criminal causes, nor of causes which have been once transferred.

When for any cause the judge presiding over any branch of the court cannot properly preside or fails to attend to hold court, the judge of any other branch may attend and hold court for the occasion; and if the presiding judge of any branch cannot properly preside or fails to attend, and no judge of another



branch attends and holds said court for the occasion, after all the other judges of the other branches who may be in the county have been notified in writing by the clerk to attend, a special judge shall be chosen by the attorneys of the court in attendance, not interested in, nor of counsel, to preside, and such special judge shall have the same qualifications and power as a circuit judge. But when notified by the clerk to so attend, it shall be the duty of the judge so notified, if not at the time actually engaged in the trial of other causes in some other branch, to attend and hold court for the occasion.

But before the election of a special judge can be held there must be first filed of record a copy of the notice above provided for, with a certificate of the clerk or sheriff who may have served the same, showing that the notice has been duly served upon all the judges of the other branches who may be in the county. It shall be the duty of the sheriff to forthwith serve all such notices when furnished to him by the clerk.

Sec. 9. No proceeding in such court shall be invalid because prosecuted in the wrong branch thereof.

Sec. 10. Any judge presiding over one branch of said court may, upon the request of a judge presiding over another branch of said court, hear and determine any case or question in such other branch pending; the request shall be entered on the order-book of the branch in which such case or question is pending, and thereafter the record of the cause shall be entered in the books of the branch over which the judge who may hear and determine the cause may be presiding.

Sec. 11. There shall be summoned by the sheriff of the county twelve grand jurymen, to attend on the first Monday of the next month, excepting the month of September, when they shall attend on the third Monday thereafter (excepting July and August), the criminal branch of such court. If such court shall deem it necessary, a grand jury composed of by-

standers may be empaneled in any month after the discharge of the grand jury first empaneled.

Sec. 12. Bail bonds shall provide for the appearance of the accused on a day certain; and summons in criminal cases shall require the appearance on the first Monday of some month named therein.

Sec. 13. In all criminal or penal cases in which an act is required to be done on motion made, or case set for trial at a given term, by the law applicable to courts having terms, such act shall be done or motion made or case set for trial on a day of a corresponding month, as if each month, beginning with the first Monday of the calendar month and ending with the Saturday before the first Monday of the next calendar month, were a term.

Sec. 14. The said court shall, in general term, make rules of said court, and shall have power, from time to time, to change such rules. Such rules shall be binding on each branch of said court until changed in general term.

A general term of said court shall be held on the first Monday in January and July in every year, and also at such other times as the court shall, by rule appoint. All appointments of a commissioner and receiver shall be made in general term by order entered on the order-book of the said court. But any three judges may, by written notice to all the other judges, call a special session of the court in general term for the purpose of making or changing the rules of court or for any other business.

Besides the order-books and the judgment books of the several branches of said court, the clerk of said court shall keep an order-book of the general term, wherein shall be entered all rules made and other business transacted at general terms.

Sec. 15. Such courts shall have control over its judgments for sixty days, as circuit courts having terms have over their judgments during the term in which they are rendered.

Sec. 16. Such court may, in actions for sale of real property, determine summarily, with or without written pleadings, the amount of any State or municipal tax or assessment upon the property to be sold and shall provide for the payment of the same in the judgment; and if the plaintiff fails to ask therefor, the purchaser shall be entitled at any time before payment of the purchase price to a credit for the amount thereof.

Sec. 17. The five judges, any three concurring, shall appoint a commissioner, who shall hold his office during four years, unless removed, as he may be at the pleasure of any three of the regular judges of the court. He shall discharge the duties and have the powers appertaining to the office of a master in chancery, and as provided by law and the rules of the court.

Before entering upon the discharge of his duties, the commissioner shall appear in open court, execute bond according to law, and take an oath that he will honestly, impartially and to the best of his judgment discharge all duties of his office, without favor or respect of persons and render true and just reports of all his actions and doings as such.

Sec. 18. An action on the official bond of the clerk, marshal, receiver or depository of the court may be brought in said court as other actions of which it has jurisdiction.

Sec. 19. Any person interested may sue on any of the bonds mentioned in the preceding sections of this act for a breach thereof; and any branch of the court may, by rules and attachment against the obligators therein, enforce their performance.

Sec. 20. Transfers may be made between said branches in all cases in which a common fund is involved in litigation either by way of attachment or otherwise, so that the distribution of the fund may be under the control of one branch of the court.

Sec. 21. All actions or special proceeding, other than crim

inal prosecutions and proceedings, which shall, on the first day of January, 1899, be pending in the chancery branch, common pleas branch and law and equity branch, which may then not have been tried or submitted or assigned for trial, shall during the month of January, 1899, be re-distributed by lot among the proper branches according to the method prescribed by section 6 of this act.

Sec. 22. Until the first Monday in January, 1898, the practice and proceedings of the court shall be conducted under the act to which this act is an amendment.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	A. B. Pieratt,
Bruce Adkins,	G. W. Hickman,	L. C. Rawlings,
T. H. Armstrong,	Anderson Hatfield,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	E. H. Read,
A. Bertram,	Joseph F. Laufer,	J. S. Robey,
Reuben Conner,	J. M. Lee,	S. Atwood Smith,
A. H. Charlton,	J. R. Mallory,	G. Weissinger Smith,
W. W. Combs,	Reuben Morris,	F. G. Shepherd,
T. W. Clark.	J. R. Mount,	Andrew Sargent,
W. T. Chilton,	W. J. Mears,	O. P. Searcy,
W. H. Cooke,	W. A. Morris,	Miles Spurlock,
J. E. Cahill,	J. Mc. Meloan,	G. B. Stout,
J. Morgan Chinn,	M. F. North,	Ham. Shehan,
A. S. Denton,	Chas. Aaron Nelson,	B. F. Saunders,
Claude Desha,	Emmett Orr,	A. J. Thompson,
W. W. Gill,	Chas. F. Ogden,	C. A. Wilson,
W. C. Holland,	Michael O'Sullivan,	C. B. Wheeler.
C. W. Haverly,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	Harry C. Pulliam,	David Woods,
W. C. G. Hobbs,	E. Petty,	J. D. Wills,
John T. Hinton,	V. Perkins,	J. H. Williams—64.
J. P. Haswell, Jr.,		

Those who voted in the negative were:

W. C. Pike—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 119. An act to amend section 1482 of the acts of the General Assembly of the Commonwealth of Kentucky, entitled, "Elections," approved June 30, 1892.

Ordered that said bill be read the third time.

Said bill was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 1482 of the acts of the General Assembly of the Commonwealth of Kentucky, entitled, "Elections," approved June 30, 1892, be amended as follows:

By striking out the word "voted" in the eighth line in said section, and by inserting after the word "unvoted" in the ninth line of said section words which will make said section when completed read as follows:

"When the polls are closed the officers of election shall, in the voting room, immediately count the votes, and certify the same as hereinafter provided; and no adjournment shall be had until the same is completed. When the result of the ballot is ascertained, it shall be immediately announced by one of the judges in front of the voting room, and thereupon the judges shall, in the presence of the clerk, sheriff and the inspectors provided for in the preceding section, destroy the ballots, mutilated or spoiled, the ballots remaining unvoted, and the secondary stubs, and shall then place the ballots voted in the ballot box lock, seal and return the box to the clerk of the county court at his office where he shall carefully keep said box and ballots for three days, when the box shall be opened and ballots canvassed and counted by the election board as now

provided by law, who shall declare the result, and who together shall place the ballots in the box which shall again be lock and kept in the custody of the said clerk until after the time for a contest as now provided by law shall have passed. And then the said election board shall again take the ballots from the box and destroy them; Provided, That if there are any ballots cast and counted, or left uncounted, concerning the legality or regularity of which there is any doubt or difference of opinion in the minds of the judges of the election, said ballots shall not be destroyed, but sealed up and returned to the clerk of the county court, with the returns of the election, for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom."

Sec. 2. This act shall take effect and be in force from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
Bruce Adkins,	Anderson Hatfield,	L. C. Rawlings,
B. W. Bradburn,	J. P. Jeffries,	W. H. Ragland,
Geo. H. Bishop,	J. H. Lackey,	E. H. Read,
A. Bertram,	D. D. Lykins,	J. S. Robey,
W. H. Cole,	Joseph F. Laufer,	S. Atwood Smith,
Reuben Conner,	J. M. Lee,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mallory,	F. G. Shepherd,
W. W. Combs,	Reuben Morris,	Andrew Sargent,
T. W. Clark,	J. R. Mount,	W. T. Sharp,
W. T. Chilton,	J. J. Marquette,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	R. C. Myers,	G. B. Stout,
J. Morgan Chinn,	John M. Moore,	Ham. Shehan,
A. S. Denton,	J. H. Minor,	B. F. Saunders,

Claude Desha,	W. A. Morris,	A. J. Thompson,
J. B. Depp,	J. Mc. Meloan,	George Traver,
W. W. Gill,	M. F. North,	L. E. Weatherford,
W. C. Holland,	Chas. Aaron Nelson,	C. A. Wilson,
C. W. Haverly,	Emmett Orr,	C. B. Wheeler,
J. S. Hood,	Michael O'Sullivan,	R. E. Watkins,
J. A. Humphreys,	Chas. F. Ogden,	R. C. Walker,
W. C. G. Hobbs,	L. J. Owen,	David Woods,
James M. Hall,	E. Petty,	Jas. H. Williams—74.
J. P. Haswell, Jr.,	W. C. Pike,	

Those who voted in the negative were:

R. C. Jarnagin, J. D. Wills—2.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 203. An act to abolish the office of assistant sergeant-at-arms, tipstaff and janitor of the Court of Appeals.

With a substitute therefor.

Mr. North moved an amendment to said substitute.

Said amendment was adopted,

Said substitute as amended was adopted.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the offices of assistant sergeant-at-arms and tipstaff of the Court of Appeals be and the same are hereby abolished.

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. This act shall be in force within ninety days after the adjournment of the General Assembly.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	W. H. Ragland,
Bruce Adkins,	John M. Letterle,	E. H. Read,
A. Bertram,	J. M. Lee,	J. S. Robey,
W. H. Cole,	J. R. Mallory,	S. Atwood Smith,
Reuben Conner,	Reuben Morris,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mount,	F. G. Shepherd,
W. W. Combs,	J. J. Marquette,	J. A. Small,
T. W. Clark,	W. J. Mears,	Andrew Sargent,
W. H. Cooke,	R. C. Myers,	W. T. Sharp,
J. Morgan Chinn,	John M. Moore,	O. P. Searcy,
A. S. Denton,	J. H. Minor,	Miles Spurlock,
Claude Desha,	W. A. Morris,	G. B. Stout,
J. B. Depp,	J. Mc. Meloan,	Ham. Shehan,
W. W. Gill,	M. F. North,	B. F. Saunders,
J. S. Hood,	Chas. Aaron Nelson,	A. J. Thompson,
J. A. Humphreys,	Chas. F. Ogden,	George Traver,
W. C. G. Hobbs,	L. J. Owen,	L. E. Weatherford,
W. B. Henderson,	Harry C. Pulliam,	C. A. Wilson,
G. W. Hickman,	W. C. Pike,	R. E. Watkins,
Anderson Hatfield,	A. B. Pieratt,	R. C. Walker,
J. P. Jeffries,	L. C. Rawlings,	Jas. H. Williams—63.

Those who voted in the negative were:

J. E. Cahill,	Jas. M. Hall,	D. D. Lykins,
W. C. Holland,	J. P. Haswell, Jr.,	David Woods—7.
C. W. Haverly,		

Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to abolish the assistant segeant-at-arms and tipstaff of the Court of Appeals.



The House took from the calendar bills and resolutions as follows, viz:

S. B. 119. An act regulating rents or tolls on telephones.

Recommitted to Committee on Propositions and Grievances.

S. Res. 10. Resolution providing for the payment of certain idiot claims.

H. Res. 26. Resolution providing payment of expenses incurred in the Bertram-Powers contest case.

H. B. 371. An act allowing a reward for killing wolves, wild cats, red fox and grey fox in this Commonwealth.

S. B. 92. An act to amend section 8, article 1, chapter 192, of the session acts of 1891-2-3, of an act entitled, "An act relating to claims upon the treasurer."

H. B. 479. An act to amend and re-enact section 15, chapter 27, of an act entitled, "An act to provide free turnpikes and gravel roads," approved March 17, 1898.

H. B. 313. An act prescribing the duties of road overseers in this State, regarding the collection of drift around bridges and the removal of drift.

H. B. 399. An act repealing a special act for the benefit of the Newcastle and Bethlehem and Newcastle and Gray turnpike, as approved April 3, 1894.

H. B. 480. An act to provide for the appointment of a delinquent tax collector in cities of the second class.

H. B. 375. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any connecting carrier, goods or freight at less freight charge than it charges or receives from other common carriers or persons for same or like service, and to prevent such railroad corporations or common carrier companies from delivering goods or freight to any connecting carrier in violation of the orders and directions of owners and consignees, and prescribing penalties therefor.

S. B. 201. An act relating to the appointment of police matrons in cities of the first class in this State.

H. B. 247. An act concerning the court house district in Campbell county.

S. B. 20. An act to create a board of firemen's pension fund, to provide and distribute such fund for the pensioning of disabled firemen and the wives and children of deceased firemen; to authorize the retirement from service and the pensioning of members of the fire department and for other purposes connected therewith, in cities having a population of over fifty thousand inhabitants and a paid fire department.

H. B. 192. An act to amend and re-enact subsection 2, section 4724, chapter 129, Kentucky Statutes, or section 3, chapter 110, General Statutes, entitled, "Turnpike, gravel and plank roads."

Said bills and resolutions were severally read the second time and placed in the orders of the day, except Senate Bill 119, Senate Resolution 10 and House Bill 247, which were recommitted.

A message was received from the Governor announcing that he had approved the following bills which originated in the House, viz:

H. B. 240. An act for the benefit of the Eastern Kentucky Asylum for the Insane, at Lexington, Kentucky.

H. B. 148. An act to amend section 273, Civil Code of Practice, relating to injunctions.

H. B. 48. An act to repeal an act entitled, "An act to organize and establish a system of public graded schools in Madisonville, Hopkins County, Kentucky," approved April 16, 1888.

H. B. 43. An act to amend and re-enact section 79, of an act entitled, "An act to provide an efficient system of common schools throughout the State," approved July 6, 1893.

A message was received from the Senate announcing that they had received official information that the Governor had approved a bill which originated in the Senate of the following title, viz:

S. B. 53. An act to amend and re-enact chapter 95, article 2, subdivision 1, section 965 of Kentucky Statutes, the same being an act entitled, "An act relating to courts of justice," the same being section 17, article 2, chapter 221, session acts 1891-2-3.

The House took from the orders of the day:

H. B. 385. An act to fix the hundred weight and ton of hemp and to prescribe a penalty for the violation thereof.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the hundred weight of hemp shall consist of one hundred pounds avoirdupois, and two thousand such pounds shall constitute a ton, and all contracts hereafter made shall be so construed.

Sec. 2. Any person violating this act shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars for each offense.

Sec. 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

On account of the great confusion in weighing hemp in this Commonwealth an emergency is hereby declared, and this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	L. C. Rawlings,
T. H. Armstrong,	J. H. Lackey,	W. H. Ragland,
B. W. Bradburn,	Joseph F. Laufer,	E. H. Read,
Geo. H. Bishop,	John M. Letterle,	J. S. Robey,
W. H. Cole,	J. M. Lee,	S. Atwood Smith,
Reuben Conner,	J. R. Mallory,	G. Weissinger Smith,
A. H. Charlton,	Reuben Morris,	F. G. Shepherd,
W. W. Combs,	J. R. Mount,	J. A. Small,
T. W. Clark,	J. J. Marquette,	Andrew Sargent,
W. H. Cooke,	W. J. Mears,	O. P. Searcy,
J. E. Cahill,	John M. Moore,	Miles Spurlock,
J. Morgan Chinn,	J. H. Minor,	G. B. Stout,
A. S. Denton,	W. A. Morris,	Waller Sharp,
J. B. Depp,	M. F. North,	Ham. Shehan,
W. W. Gill,	Chas. Aaron Nelson,	B. F. Saunders,
W. C. Holland,	Chas. F. Ogden,	C. A. Wilson,
C. W. Haverly,	L. J. Owen,	R. E. Watkins,
J. A. Humphreys,	Harry C. Pulliam,	R. C. Walker,
W. C. G. Hobbs,	E. Petty,	David Woods,
James M. Hall,	W. C. Pike,	J. D. Wills,
W. B. Henderson,	V. Perkins,	Jas. H. Williams-65.
G. W. Hickman,	A. B. Pieratt,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House then took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Speaker Beckham in the chair.

The House took from the orders of the day:

H. B. 232. An act to allow children of slave marriages to inherit the property of their fathers and mothers.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in all cases where, during the time of slavery in Kentucky, any male and female colored persons lived and co-habited with each other as husband and wife to each other, and any child or children was the result of such co-habitation, such child or children shall be held to be the lawful child or children and legal heirs of both the father and mother in all cases where the father or mother shall die or shall have died the owner or owners of any real or personal property, and legally entitled to inherit such property of both father and mother; Provided, That in cases where such father or mother subsequently intermarried by license with some other colored person, and a child or children resulted from such marriage by license, then, and in all such cases, the children resulting from the slave marriages shall only be entitled to inherit such proportion of the property of their father or mother as the number of children resulting from slave marriages bears to the number of children resulting from the subsequent marriage by license; And, Provided further, That this act shall not apply

in any case where the property of either father or mother has passed to innocent purchasers, or heretofore divided out or sold or distributed by the order or judgment of any court of competent jurisdiction.

Sec. 2. This act shall take effect from its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. C. G. Hobbs,	Emmett Orr,
B. W. Bradburn.	James M. Hall,	Chas. F. Ogden,
George H. Bishop,	Anderson Hatfield,	L. J. Owen,
A. Bertram,	J. P. Haswell, Jr.,	Harry C. Pulliam,
W. H. Cole,	J. A. Ingram,	W. C. Pike,
Ruben Conner,	J. P. Jeffries,	A. B. Pieratt,
A. H. Charlton,	D. D. Lykins,	L. C. Rawlings,
W. W. Combs,	Joseph F. Laufer,	E. H. Read,
W. T. Chilton,	John M. Letterle,	F. G. Shepherd,
J. C. Cantrill,	J. D. Mocquot,	Andrew Sargent,
J. E. Cahill,	Reuben Morris,	W. T. Sharp,
John Collins,	W. J. Mears,	G. B. Stout,
J. B. Depp,	R. C. Myers,	H. S. Vanzant,
W. C. Holland,	John M. Moore,	C. B. Wheeler,
J. S. Hood,	J. H. Minor,	David Woods—45.

Those who voted in the negative were:

Bruce Adkins,	J. R. Mount,	O. P. Searcy,
T. W. Clark,	J. J. Marquette,	Miles Spurlock,
J. Morgan Chinn,	W. H. McKee,	Ham. Shehan,
A. S. Denton,	W. A. Morris,	B. F. Saunders,
Claude Desha,	J. Mc. Meloan,	A. J. Thompson,
W. W. Gill,	M. F. North,	South Trimble,
J. A. Humphreys,	Chas. Aaron Nelson,	George Traver,
John T. Hinton,	Michael O'Sullivan,	L. E. Weatherford,
W. B. Henderson,	E. Petty,	C. A. Wilson,

G. W. Hickman,	V. Perkins,	R. C. Walker,
J. M. Lee,	W. H. Ragland,	Jas. H. Williams—35.
J. R. Mallory,	J. S. Robey,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Letterle, of the Committee on Enrollments, reported that the Committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

H. B. 90. An act to regulate the repairing and building of school houses in this Commonwealth.

H. B. 123. An act to amend and re-enact section 189 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, the same being section 2974 of the Kentucky Statutes.

H. B. 218. An act to provide for an appeal in actions of habeas corpus.

H. B. 239. An act for the benefit of James T. Buford.

H. B. 302. An act to amend section 65, title 5, of Civil Code of Practice of Kentucky.

And had found the same correctly enrolled.

Said bills were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

The House took from the orders of the day:

S. B. 18. An act to amend sections 127 and 154 of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, be and the same is hereby amended as follows: By striking out said section 127 the following words:

"The stenographer of the court shall take down all the evidence given in examining trials," and the word "evidence" following the words "the bond, together with the," and by inserting in lieu thereof the following:

"On the trial of any felony case the presiding judge may, in his discretion, order a full report of the testimony, or such portion of the testimony as he may deem necessary; in which case it shall be the duty of said official stenographic reporter to cause shorthand notes of such or all of the evidence to be taken, and, upon the request of the judge, to cause a full and accurate transcript of same to be made, or, in his discretion, the judge may order such transcript as he may deem material, which shall be returned to the Jefferson Circuit Court;" so that section 127, as amended, would read as follows:

"Said court shall have original and exclusive jurisdiction in all cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city, and such criminal jurisdiction within the said limits as justices of the peace have, with the necessary power to carry into effect the jurisdiction given. Said court shall have exclusive jurisdiction as an examining court of all felonies and misdemeanors committed within the corporate limits of the city, and shall exercise all the powers and duties of an examining court. On the trial of any felony case the presiding judge may, in his discretion, order a full report of the testimony, or such portions of the testimony as he may deem necessary; in which case it shall



be the duty of said official stenographic reporter to cause shorthand notes of such or all of the evidence to be taken, and, upon request of the judge, to cause a full and accurate transcript of same to be made, or, in his discretion, the judge may order a transcript to be made out which will contain such parts of the evidence as he may deem material, which shall be returned to the Jefferson Circuit Court. At the conclusion of any trial for a felony or misdemeanor, the court shall commit or discharge the accused, or hold him to answer before the proper court, as may be adjudged. If bond be required of the accused to appear and answer, said court shall have power to order the bond to be taken in such sum as it may direct. The bond, together with the papers, shall be transmitted by the clerk within twenty-four hours to the proper court. The bond shall be in writing and it shall not be invalidated by any irregularity in its form, or in the manner of taking or giving the same. Persons arrested under a charge of crime must be presented to the court for trial within twenty-four hours after arrest, unless Sunday intervenes."

Sec. 2. By striking out of section 154 the words "fixed by the general council not exceeding" and inserting in lieu thereof the word "of," and add to said section after the word "pleasure" the following words:

"The stenographer may have such vacation as may be allowed by the judge of said court not exceeding fifteen days in any one year, and, during said vacation, the compensation of the stenographer pro tem. shall not be deducted from the salary of the regular stenographer," so that said section 154, as amended, would read as follows:

"The judge of the court may appoint, for a term of not exceeding four years, a stenographer, who shall be paid by salary of twelve hundred dollars per annum, and the judge may remove him at pleasure. The stenographer may have such vacation as may be allowed by the judge of said court, not exceeding fifteen days in any one year, and, during said

vacation, the compensation of the stenographer pro tem, shall not be deducted from the salary of the regular stenographer."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	A. B. Pieratt,
T. H. Armstrong,	G. W. Hickman,	L. C. Rawlings,
B. W. Bradburn,	Anderson Hatfield,	W. H. Ragland,
Geo. H. Bishop,	J. H. Lackey,	E. H. Read,
A. Bertram,	Joseph F. Laufer,	J. S. Robey,
W. H. Cole,	John M. Letterle,	S. Atwood Smith,
Reuben Conner,	J. M. Lee,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mallory,	F. G. Shepherd,
W. W. Combs,	J. D. Mocquot,	J. A. Small,
T. W. Clark,	Reuben Morris,	Andrew Sargent,
W. T. Chilton,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	J. J. Marquette,	Miles Spurlock,
J. C. Cantrill,	W. J. Mears,	G. B. Stout,
J. E. Cahill,	R. C. Myers,	B. F. Saunders,
J. Morgan Chinn,	John M. Moore,	A. J. Thompson,
John Collins,	W. H. McKee,	Frank M. Tracy,
A. S. Denton,	J. H. Minor,	George Traver,
Claude Desha,	W. A. Morris,	H. S. Vanzant,
J. B. Depp,	M. F. North,	L. E. Weatherford,
W. W. Gill,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. Holland,	Chas. F. Ogden,	R. C. Walker,
J. S. Hood,	Michael O'Sullivan,	David Woods,
J. A. Humphreys,	L. J. Owen,	Jas. H. Williams-71.
W. C. G. Hobbs,	Harry C. Pulliam,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 58. An act to amend an act to appropriate money to erect monuments at Chicamauga and Chattanooga parks, chapter 241 laws of Kentucky, approved March 17, 1896.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly by the Commonwealth of Kentucky:

Section 1. That the word "each" in the third line of section 1, after the word "monument" and before the word "to," be stricken out. As amended the section will read:

"Sec. 1. That ten thousand dollars be and is hereby appropriated for the purpose of erecting one monument to the Kentucky Infantry, Cavalry and Artillery, (Union and Confederate), engaged in said battle; and for the further purpose of placing inexpensive markers on said field to denote the position of regiments and brigades."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	V. Perkins,
B. W. Bradburn,	Anderson Hatfield,	A. B. Pieratt,
George H. Bishop,	J. P. Jeffries,	L. C. Rawlings,
A. Bertram,	J. H. Lackey,	W. H. Ragland,
W. H. Cole,	D. D. Lykins,	E. H. Read,
Reuben Conner,	Joseph F. Laufer,	J. S. Robey,
A. H. Charlton,	John M. Letterle,	F. G. Shepherd,
W. W. Combs,	J. M. Lee,	J. A. Small,
T. W. Clark,	J. R. Mallory,	Andrew Sargent,
W. T. Chilton,	J. D. Mocquot,	W. T. Sharp,
W. H. Cooke,	Reuben Morris,	O. P. Searcy,
J. E. Cahill,	J. J. Marquette,	Miles Spurlock,
J. Morgan Chinn,	W. J. Mears,	G. B. Stout,

John Collins,	John M. Moore,	Ham. Shehan,
Claude Desha,	W. H. McKee,	B. F. Saunders,
J. B. Depp,	J. H. Minor,	A. J. Thompson,
C. W. Haverly,	W. A. Morris,	Frank M. Tracy,
J. S. Hood,	M. F. North,	H. S. Vanzant,
J. A. Humphreys,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	C. B. Wheeler,
James M. Hall,	Michael O'Sullivan,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.,	E. Petty,	David Woods,
W. B. Henderson,	W. C. Pike,	Jas. H. Williams-72.

Those who voted in the negative were:

J. D. Wills—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 57. An act to amend and to re-enact chapter 17 of session acts of the General Assembly of the Commonwealth of Kentucky, which became a law May 11, 1897, and to repeal certain designated portions thereof.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 1, chapter 17, of the act of the General Assembly of Kentucky which became a law May 11, 1897, be and the same is repealed, amended, and re-enacted by striking out all that portion of said section, beginning with and including the following words and sentence, viz: "Shall hold their position for not more than two years from date of their appointment," and so that said section and act as amended, and re-enacted shall read as follows, viz:

"An act for the relief of the Court of Appeals of Kentucky.

"Sec. 1. That the judges of the Court of Appeals are hereby empowered to employ clerical assistants for each of said judges for the period of two years from the expiration of the terms of the present assistants, and to fix the compensation to be paid such assistants. Said compensation shall be paid monthly out of the Treasury upon the warrant of the Auditor of Public Accounts, which shall be issued upon the certificate of the Chief Justice of the court. Said assistants shall be subject to removal at the pleasure of said judges. The compensation of such assistants shall not exceed in the aggregate the sum of six thousand dollars per annum."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	V. Perkins,
Bruce Adkins,	Anderson Hatfield,	L. C. Rawlings,
B. W. Bradburn,	D. D. Lykins,	W. H. Ragland,
George H. Bishop,	Joseph F. Laufer,	S. Atwood Smith,
A. H. Charlton,	John M. Letterle,	G. Weissinger Smith,
W. W. Combs,	J. M. Lee,	F. G. Shepherd,
W. H. Cooke,	J. R. Mallory,	J. A. Small,
J. C. Cantrill,	J. D. Mocquot,	W. T. Sharp,
J. E. Cahill,	Reuben Morris,	G. B. Stout,
J. Morgan Chinn,	J. J. Marquette,	B. F. Saunders,
John Collins,	R. C. Myers,	Frank M. Tracy,
A. S. Denton,	John M. Moore,	George Traver,
J. B. Depp,	M. F. North,	C. A. Wilson,
J. S. Hood,	Emmett Orr,	C. B. Wheeler,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
John T. Hinton,	Michael O'Sullivan,	R. C. Walker,
J. P. Haswell, Jr.,	Harry C. Pulliam,	David Woods,
W. B. Henderson,	W. C. Pike,	Jas. H. Williams—54

Those who voted in the negative were:

A. Bertram,	J. R. Mount,	J. S. Robey,
W. H. Cole,	W. J. Mears,	Miles Spurlock,
Reuben Conner,	J. H. Minor,	Ham. Shehan,
W. T. Chilton,	Chas. Aaron Nelson,	A. J. Thompson,
W. W. Gill,	L. J. Owen,	H. S. Vanzant,
W. C. Holland,	A. B. Pieratt,	L. E. Weatherford,
C. W. Haverly,	E. H. Read,	J. D. Wills—22.
J. A. Humphreys,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

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THURSDAY, MARCH 10, 1898.

The House was opened with prayer by Rev. Wm. Crowe.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

The House took from the orders of the day:

H. B. 89. An act to appropriate five hundred dollars to mark and preserve the graves of the Confederate soldiers who were slain at Perryville, Kentucky.

Mr. Myers moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.  
viz:

Whereas, The remains of the Confederate soldiers who fell in the battle of Perryville, Kentucky, October 8, 1862, yet lie on the field in neglected and unmarked graves; and

Whereas, The bodies of the Federal soldiers who were slain in that memorable passage at arms have been gathered by a grateful government and re-interred in a beautiful National cemetery; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated the sum of five hundred dollars to be expended by the commissioners named in the second section of this act in the construction of a suitable enclosure of these graves, the erection of a modest shaft commemorative of the valor of the Confederate soldiers who fell on this bloody field, and for such work incidental to these purposes as the commissioners may deem advisable.

Sec. 2. The sum hereby appropriated shall be paid of any money in the State treasury not otherwise appropriated to S. D. Vanpelt, R. J. Breckinridge, Boyle Rodes and J. H. Baughman, all of Danville, Kentucky, who are appointed commissioners to receive the fund and carry into effect the purpose for which it is appropriated.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	A. B. Pieratt,
Bruce Adkins,	J. A. Ingram,	L. C. Rawlings,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,
George H. Bishop,	D. D. Lykins,	E. H. Read,
A. Bertram,	Joseph F. Laufer,	J. S. Robey,
W. H. Cole,	John M. Letterle,	S. Atwood Smith,
Reuben Conner,	J. M. Lee,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mallory,	F. G. Shepherd,

T. W. Clark,	J. D. Mocquot,	Andrew Sargent,
W. T. Chilton,	Reuben Morris,	W. T. Sharp,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. E. Cahill,	J. J. Marquette,	Miles Spurlock,
J. Morgan Chinn,	W. J. Mears,	Waller Sharp,
A. S. Denton,	John M. Moore,	G. B. Stout,
Claude Desha,	F. May,	Ham. Shehan,
J. B. Depp,	J. H. Minor,	B. F. Saunders,
W. W. Gill,	W. A. Morris,	A. J. Thompson,
W. C. Holland,	J. Mc. Meloan,	George Traver,
C. W. Haverly,	M. F. North,	H. S. Vanzant,
J. S. Hood,	Emmett Orr,	C. A. Wilson,
J. A. Humphreys,	Chas. F. Ogden,	C. B. Wheeler,
W. C. G. Hobbs,	L. J. Owen,	R. E. Watkins,
John T. Hinton,	Harry C. Pulliam,	R. C. Walker,
J. P. Haswell, Jr.,	E. Petty,	David Woods,
W. B. Henderson,	V. Perkins,	Jas. H. Williams-76.
G. W. Hickman,		

Those who voted in the negative were:

J. P. Jeffries,	W. C. Pike,	J. D. Wills—4.
Chas. Aaron Nelson,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Chinn, from the Committee on Judiciary, to which the same had been referred, reported:

H. Res. 11. Resolution in relation to Daniel Boone's monument.

Said resolution was twice read and adopted.

Mr. Chilton, from the Committee on Claims, to which the same had been referred, reported:

S. Res. 15. Resolution for the benefit of W. W. Prine, of Livingston county.

With an amendment proposed thereto by the committee.



Said resolution was read the first time, ordered to be printed, placed on the calendar, and read the second time on some other day.

Mr. Henderson, from the Committee on Legislative Accounts, reported:

S. Res. 19. Resolution providing for paying the ministers of Frankfort for opening the House with prayer.

Said resolution was read the first time, ordered to be printed, placed on the calendar, and read the second time on some other day.

The House took from the orders of the day:

S. B. 137. An act to amend chapter 88 of the Kentucky Statutes, title, "Mines and mining."

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, The library accommodations at the State Capital fall far short of the accumulated stores of books, which for want of shelf room are practically useless to members of the General Assembly, to the Executive, the judiciary and members of the legal profession who desire to consult them; and, whereas, the rooms, and now offices, occupied by the geological collection would if properly fitted up with shelving, tables and writing apparatus afford ample space for the requirements of a library and accommodations for those having occasion to consult its volumes; and, whereas, the geological collection now stored there, while affording pleasure to occasional visitors, are practically useless for purposes of education, but could be turned to practical uses in the museum of the State College for the instruction of its students in natural science; and, whereas, the double object of relief for the library of the Commonwealth, and increased facilities given to the students of the State College would be secured by the removal of said geological collection; and, whereas, the duties of the office of Inspector of

Mines could be more effectively and economically discharged by his removal with the geological collection to the State College, inasmuch as the chemical laboratory for analyses, the metallurgical laboratory for testing, the assaying laboratory, the mechanical testing laboratory for determining strength of materials, the facilities for determining the economic values of coals would all be placed at his disposal for the service of the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the geological collections, including maps, charts, apparatus, and all the accumulated material of the geological survey be, and they are hereby directed to be removed to the building of the State College, to be placed in rooms suitable for that purpose, there to remain, subject, however to be recalled at any time that may seem proper by the General Assembly.

Sec. 2. That the present Inspector of Mines shall keep an office at the State College, and that the salary of himself and each assistant, including his salary as curator of the geological survey, as provided by law, shall continue during the term of service for which he and they were appointed.

Sec. 3. That the board of trustees of the State College be and they are hereby authorized to establish a course of study in said college to be known and designated as the "Course of Mining Engineering," in which shall be taught all the branches of science relating thereto, and said board of trustees shall, after the expiration of the terms of the present inspector and assistants, respectively select as other professors are selected, a suitable and competent person for dean of the same, with the necessary staff of assistants, and said dean shall by reason of said selection be the Inspector of Mines, with all the powers and privileges now conferred upon the said inspector by law. It shall also be his duty to determine, by chemical analysis or otherwise, the kind and quantity of the mineral products of

the State of Kentucky, as may be sent to him for inspection or analysis, and give written opinions thereon, but these latter duties shall not be allowed to interfere with his duties as inspector, relative to the safe condition of the coal mines of the State. He shall take the required oath and give the same bond as now required by said officer. He and his assistants shall hold office on identically the same conditions with other professors in said college, and shall be subject to removal as they are. Said dean and his assistants, however, inasmuch as their duties consist primarily and principally of work peculiarly public and practical in its relation to the mines and mineral products of the Commonwealth, shall be regarded as public servants, in a sense in which the ordinary professors of the college can not be regarded, and, shall therefore, receive compensation directly from the State, and not from the funds of the college, and their compensation, as now fixed by law, shall be certified to the Auditor as heretofore, and paid out of the Treasury as now paid.

Sec. 4. The Inspector of Mines, be, and he is hereby directed to remove within a reasonable time the geological collection of this State, including maps, apparatus, etc., to the State College at Lexington, and he is hereby authorized and directed to certify the expenses of transference to the Auditor of Public Accounts, who shall draw his warrant upon the Treasury for the same.

Sec. 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 6. Inasmuch as an emergency exists, this bill shall take effect from its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	R. C. Jarnagin,	A. B. Pieratt,
B. W. Bradburn,	D. D. Lykins,	L. C. Rawlings,

A. C. Brown,	John M. Letterle,	W. H. Ragland,
W. H. Cole,	J. M. Lee,	E. H. Read,
A. H. Charlton,	J. R. Mallory,	J. S. Robey,
T. W. Clark,	J. D. Mocquot,	S. Atwood Smith,
W. T. Chilton,	Reuben Morris,	G. Weissinger Smith,
W. H. Cooke,	J. R. Mount,	F. G. Shepherd,
J. C. Cantrill,	J. J. Marquette,	Andrew Sargent,
J. Morgan Chinn,	W. J. Mears,	O. P. Searcy,
A. S. Denton,	John M. Moore,	Miles Spurlock,
Claude Desha,	F. May,	Waller Sharp,
W. W. Gill,	W. A. Morris,	G. B. Stout,
W. C. Holland,	J. Mc. Meloan,	Ham. Shehan,
C. W. Haverly,	M. F. North,	B. F. Saunders,
J. A. Humphreys,	Chas. Aaron Nelson,	A. J. Thompson,
W. C. G. Hobbs,	Emmett Orr,	Frank M. Tracy,
John T. Hinton,	Chas. F. Ogden,	H. S. Vanzant,
J. P. Haswell, Jr.,	Michael O'Sullivan,	C. A. Wilson,
W. B. Henderson,	L. J. Owen,	C. B. Wheeler,
G. W. Hickman,	Harry C. Pulliam,	R. E. Watkins,
Anderson Hatfield,	E. Petty,	R. C. Walker,
J. A. Ingram,	W. C. Pike,	David Woods,
J. P. Jeffries,	V. Perkins,	Jas. H. Williams—72.

Those who voted in the negative were:

James M. Hall,	J. H. Minor,	South Trimble—4.
R. C. Myers,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

A message was received from the Governor as follows, viz:

COMMONWEALTH OF KENTUCKY,	}
EXECUTIVE DEPARTMENT,	
FRANKFORT, KY., March 10, 1898.	

Gentlemen of the House of Representatives:

Herewith is returned House Bill 172, without signature.

The bill interferes with commerce among the States.

A company which at its own expense gathers news from a part or all the States and Territories of the Union, and in turn sends it out to all or a portion of these States and Territories, has the right, in order to protect itself from loss and insure safe and competent service, to furnish the same to such newspapers as it may choose, upon an agreement with them to pay for it what is considered a just recompense. And if in order to make these contracts it becomes necessary to stipulate that only those newspapers which agree to pay for such service are entitled thereto, such contract is not against public policy.

The State has no right to interfere with commerce among the States or to restrain it in any way, except in the exercise of its police power, which power is in nowise involved in or exercised by the State in this bill. Section 8, of article 7, Constitution of the United States, places the power to regulate commerce among the States entirely within and under the control of Congress, and every court of the Union, State and Federal, concedes that no other branch of the government and no State can in any way interfere with Congress in this respect.

In *W. U. T. Co. vs. Texas*, 105 U. S. S. C. R. 460, it was held that the telegraph is an instrument of commerce, and that the State could not place a specific tax on messages sent out of the State.

In *W. U. T. Co. vs. Pendleton*, 122 U. S. S. R. 347, the same court held "intercourse by telegraph between the States is inter-State commerce, and the State has no authority to regulate the transmission of telegraph messages into other States and their delivery therein." And a statute of Indiana attempting so to do was held an interference with the freedom of State commerce.

To the same general effect see *Lelouf vs. Port of Mobile*, 127 U. S. S. C. R. 640.

The messages sent by the press companies are essentially

from one State to another, and no more control can be exercised over them than could be exercised over any other dispatches of a similar character. The power to regulate such companies is lodged alone in the Congress of the United States.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all foreign corporations formed for the purpose or engaged in the business of buying, gathering or accumulating information or news or of vending, supplying, distributing or publishing the same, shall, as a condition of carrying on any part of said business in this State, at all times, vend, supply, distribute and publish the news and information bought, gathered or accumulated by it to any and all persons, firms and corporations organized under the laws of this State, or carrying on in this State the business of conducting or publishing a newspaper, where such person, firm or corporation desires to buy or be supplied with such news and information so bought, gathered or accumulated by such foreign corporation, and in vending, supplying, distributing and publishing the news and information so bought, gathered or accumulated by such foreign corporation, no discrimination in charges or prices shall be made by such foreign corporation between any of the persons, firms or corporations doing business in this State and desiring to purchase or be supplied with such information and news.

Sec. 2. It shall not be lawful for any foreign corporation or any agent or employee of such corporation formed for the purpose or engaged in the business of buying, gathering or accumulating information or news, or vending, supplying, distributing or publishing the same, to transact any of the busi-

ness of such corporation if it shall have refused to vend, supply, distribute or publish the information or news bought, gathered or accumulated by it to any person, firm or corporation engaged in this State in carrying on the business of conducting or publishing a newspaper, when such person, firm or corporation has notified such foreign corporation or any agent upon whom process can be served under the laws of this State of his, their or its desire to purchase or be supplied with said news or information so bought, gathered or accumulated by such foreign corporation, and upon his, their or its offer to pay the same charges or prices therefor which are exacted by said foreign corporation against other persons, firms or corporations engaged in this State in the business of conducting or publishing a newspaper, and any such foreign corporation and any agent or employee of such foreign corporation, or any other person who shall carry on, transact, or cause to be conducted any business in this State for such foreign corporation after it shall have failed or refused to comply with any of the requirements of this act, shall be severally guilty of a misdemeanor, and upon conviction fined not less than one hundred dollars nor more than one thousand dollars for each offense, and each day's continuance of any part of the business of such foreign corporation in this State after it shall have failed to comply with any of the provisions of this act shall constitute a separate offense.

Sec. 3. A violation of the provisions of this act shall upon conviction operate to forfeit the charter of the corporation, or proceedings may be instituted by the attorney for the Commonwealth in any district within the State to forfeit the charter of any corporation violating any of the provisions of this act and to subject the party charged, if found guilty, to the penalty imposed in section 2 of this act.

Sec. 4. Every telegraph company, every telephone company, or every association, or company engaged in the buying, gathering or transmitting of dispatches, shall afford the same and

equal facilities to all publishers of newspapers and furnish to all parties collected by them for publication, in any county or locality, to all newspapers there published on the same condition as to terms, payment, and delivery, and for a violation of any of the provisions of this section, shall for such violation be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, and if a corporation or association, shall upon conviction forfeit its charter.

Sec. 5. Inasmuch as grievous discriminations are now made by foreign corporations regulated by this act; and inasmuch as monopolies have been created by such corporations, there is an emergency that this act take immediate effect, and this act shall take effect upon its approval by the Governor or passage.

Mr. Haswell moved to postpone the consideration of said veto and bill until the same had been entered in full upon the Journal, as required by section 88 of the Constitution.

Said motion was rejected.

The question being taken on the passage of said bill, the objection of the Governor to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	A. B. Pieratt,
Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
T. H. Armstrong,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	J. S. Robey,
A. C. Brown,	Joseph F. Laufer,	S. Atwood Smith,
Geo. H. Bishop,	John M. Letterle,	F. G. Shepherd,
A. Bertram,	J. M. Lee,	O. P. Searcy,
Reuben Conner,	J. R. Mallory,	Miles Spurlock,
A. H. Charlton,	J. R. Mount,	Waller Sharp,



T. W. Clark,	J. J. Marquette,	G. B. Stout,
W. T. Chilton,	W. J. Mears,	Ham. Shehan,
W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. C. Cantrill,	W. A. Morris,	A. J. Thompson,
J. E. Cahill,	J. Mc. Meloan,	South Trimble,
J. Morgan Chinn,	M. F. North,	George Traver,
A. S. Denton,	Chas. Aaron Nelson,	L. E. Weatherford,
Claude Desha,	Emmett Orr,	C. A. Wilson,
J. B. Depp,	Michael O'Sullivan,	R. E. Watkins,
W. W. Gill,	L. J. Owen,	R. C. Walker,
W. C. Holland,	E. Petty,	J. D. Wills,
J. A. Humphreys,	W. C. Pike,	Jas. H. Williams—65.
W. C. G. Hobbs,	V. Perkins,	

Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	Harry C. Pulliam,
M. T. Freeman,	D. D. Lykins,	E. H. Read,
J. S. Hood,	J. D. Mocquot,	G. Weissinger Smith,
James M. Hall,	Reuben Morris,	Andrew Sargent,
J. P. Haswell, Jr.,	R. C. Myers,	Frank M. Tracy,
Anderson Hatfield,	F. May,	H. S. Vanzant,
J. A. Ingram,	J. H. Minor,	David Woods—24.

Resolved, That said bill to pass, the objections of the Governor to the contrary notwithstanding, and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 201. An act relating to the appointment of police matrons in cities of the first class in this State.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That within ninety days after the adjournment of the present General Assembly, the mayor of each city of the first class shall designate one or more station-houses within the said city for the detention of all female prisoners, who may be properly detained in a station-house while awaiting trial, and said mayor may thereafter change the station-house or station-houses so designated; Provided, however, That at least one station-house shall always remain as a place in which female prisoners shall be detained, until they shall have been set at liberty, or removed by order of a competent court.

Sec. 2. Where there shall be a county jail in said city of the first class, the mayor of said city shall also designate it as a place in which female prisoners may be detained, awaiting trial, or after trial, until removed or set at liberty by the order of a competent court.

Sec. 3. Immediately upon such designation of such station-house or station-houses and county jail, if there be a jail in such city, the mayor of said city shall appoint for each of said station-houses and jail, two respectable women to care for and have supervision over the female prisoners in said places of detention. One of the women appointed by the mayor shall be called police matron, and she shall be stationed at the jail, if there be a jail in the county, and there shall also be appointed by the mayor an assistant police matron for the jail, and two assistant police matrons for each of the station-houses which may have been designated by the mayor for the detention of female prisoners.

Sec. 4. No woman shall be appointed to either police matron or assistant police matron, who has not been recommended to the mayor by a committee of women, composed of one woman selected by each of the following organizations, viz: Home of Friendless Women, Flower Mission, Free Kindergarten Association, Humane Society, Charity Organization Society, City Federation of Women's Clubs, Kentucky Childrens' Home Society, District Women's Christian Temperance Union of Louisville, Ky., and Women's Christian Association

If all of said associations shall not appoint a representative on said committee, then the mayor shall make the appointments herein provided for, upon the recommendation of those of the said associations who do appoint a representative upon said committee.

Sec. 5. Neither the police matron nor assistant police matrons shall be appointed for any definite term, but they shall hold their positions until removed, which may be done at any time by the mayor, by a written order, stating the cause of such removal, and a copy of the order shall be furnished by the mayor to the committee above provided for.

Upon the death, resignation or removal of either of the women so appointed by the mayor, her successor shall be appointed in the manner aforesaid, within two days after a successor or successors shall have been recommended to the mayor by the committee provided for in section 4 of this act.

Sec. 6. The hours of service of the police matron and the assistant matrons shall be so arranged by the chief of police, that at least, one of them, shall at all hours of the day and night be on duty at each of the places in which there shall be one or more female prisoners detained.

The police matron shall have, subject to the control of the chief of police, the entire care of all women and children under arrest in the station-house or jail, designated for female prisoners, and she may call upon a police officer or jailer, or his deputy for assistance.

Sec. 7. In every station or jail, in which a police matron or an assistant police matron serves, sufficient and proper accommodation shall be provided therein for women confined under arrest. There shall also be provided at said jail and at each station-house designated for female prisoners a comfortable and suitable room or rooms which the police matron or the assistant police matron, as the case may be, may occupy; and if, in the opinion of such matron, the accommodations are not sufficient, or proper, she shall notify the mayor, and he

shall provide the necessary, and proper accommodations, the expense necessary therefor to be paid by the city.

Sec. 8. Whenever in any city where a police matron shall be appointed under this act, a woman or child taken to the station or jail to which a police matron or an assistant police matron is attached, and shall not be present at the time said woman or child is received, the keeper of said station or jail shall immediately notify her that such female, or child was detained at said place.

Sec. 9. The police matron shall, subject to the chief of police, have charge of the assistant police matrons and shall instruct them as to their duties and shall see that they give proper care to the female prisoners under their charge.

Sec. 10. The police matron or one of the assistant police matrons shall attend the circuit court and police courts in said city, whenever a female prisoner is brought before said courts, and she shall have charge of said women, subject to the orders of the court.

Sec. 11. The words, "police station," shall be construed under this act to mean any place where persons are temporarily under arrest; the word "woman," shall include any person of the female sex.

Sec. 12. Whenever it becomes necessary to search a female prisoner, it shall be done by or in the presence of the police matron or an assistant police matron.

The salary of the police matron shall be sixty-five dollars per month, and that of each of the assistant police matrons forty-five dollars per month. The expense necessary for the providing the proper accommodations for the police matron and assistant police matron at the jail, and for sufficient and suitable accommodations for the female prisoners detained therein, as provided for in this act, and the salary of the police matron and the assistant police matron at the jail, shall be borne by the city and county in which said jail is

located, jointly in the same way as other expenses are now apportioned between the county and city of the first class, and the expenses necessary for providing suitable room or rooms at each of the station-houses designated for the detention of female prisoners, and the salary of each of the assistant police matrons at said station-houses, and the expense for providing suitable accommodations for said female prisoners, shall be borne by the city of the first class as other expenses in the police department are provided.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	Harry C. Pulliam,
Bruce Adkins,	G. W. Hickman,	E. Petty,
T. H. Armstrong,	Anderson Hatfield,	W. C. Pike,
B. W. Bradburn,	J. P. Jeffries,	V. Perkins,
A. C. Brown,	R. C. Jarnagin,	A. B. Pieratt,
George H. Bishop,	J. H. Lackey,	L. C. Rawlings,
A. Bertram,	D. D. Lykins,	W. H. Ragland,
W. H. Colé,	Joseph F. Laufer,	E. H. Read,
Reuben Conner,	John M. Letterle,	S. Atwood Smith,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
T. W. Clark,	J. R. Mallory,	F. G. Shepherd,
W. T. Chilton,	Reuben Morris,	Andrew Sargent,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. C. Cantrill,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	W. J. Mears,	G. B. Stout,
J. Morgan Chinn,	R. C. Myers,	Ham. Shehan,
A. S. Denton,	John M. Moore,	B. F. Saunders,
Claude Desha,	W. H. McKee,	A. J. Thompson,
M. T. Freeman,	F. May,	Frank M. Tracy,
W. W. Gill,	J. H. Minor,	H. S. Vanzant,
W. C. Holland,	W. A. Morris,	L. E. Weatherford,
C. W. Haverly,	M. F. North,	C. A. Wilson,

J. S. Hood,	Chas. Aaron Nelson,	C. B. Wheeler,
J. A. Humphreys,	Emmett Orr,	R. E. Watkins,
W. C. G. Hobbs,	Chas. F. Ogden,	R. C. Walker,
James M. Hall,	Michael O'Sullivan,	David Woods,
John T. Hinton,	L. J. Owen,	Jas. H. Williams—81.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. Res. 26. Resolution providing payment of expenses incurred in the Bertram-Powers contest case.

Mr. Ogden moved to amend by striking out the words "one hundred," and inserting the words "twenty-five," in lines six and ten.

Said amendment was rejected.

The yeas and nays being demanded thereon by Messrs. Nelson and Myers were as follows, viz:

Those who voted in the affirmative were:

W. H. Cole,	Anderson Hatfield,	J. H. Minor,
Reuben Conner,	J. P. Jeffries,	Chas. Aaron Nelson.
A. H. Charlton,	R. C. Jarnagin,	Chas. F. Ogden,
J. E. Cahill,	J. H. Lackey,	W. C. Pike,
J. B. Depp,	D. D. Lykins,	E. H. Read,
M. T. Freeman,	Reuben Morris,	J. S. Robey,
W. C. Holland,	W. J. Mears,	H. S. Vanzant,
J. A. Humphreys,	R. C. Myers,	J. D. Wills—26.
James M. Hall,	F. May,	

Those who voted in the negative were:

M. Abele,	J. R. Mallory,	G. Weissinger Smith,
Bruce Adkins,	J. D. Mocquot,	F. G. Shepherd,
T. H. Armstrong,	J. R. Mount,	O. P. Searcy,

B. W. Bradburn,	J. J. Marquette,	Miles Spurlock,
A. C. Brown,	John M. Moore,	Waller Sharp,
Geo. H. Bishop,	W. A. Morris,	G. B. Stout,
W. T. Chilton,	M. F. North,	B. F. Saunders,
W. H. Cooke,	Michael O'Sullivan,	A. J. Thompson,
J. Morgan Chinn,	L. J. Owen,	Frank M. Tracy,
Claude Desha,	Harry C. Pulliam,	South Trimble,
W. W. Gill,	E. Petty,	L. E. Weatherford,
J. S. Hood,	V. Perkins,	C. A. Wilson,
W. C. G. Hobbs,	A. B. Pieratt,	C. B. Wheeler,
W. B. Henderson,	L. C. Rawlings,	R. E. Watkins,
G. W. Hickman,	W. H. Ragland,	R. C. Walker,
Joseph F. Laufer,	S. Atwood Smith,	Spk'r Beckham—49.
J. M. Lee,		

Ordered that said resolution be read the third time.

Said resolution was read the third time and passed as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of one hundred and twenty-five dollars be, and the same is hereby allowed D. S. Powers, for his expenses incurred in the contest to a seat in the present General Assembly, filed against him by A. Bertram, being twenty-five dollars for expenses and one hundred dollars as attorneys' fees. And that the sum of one hundred and twenty-five dollars be, and the same is hereby allowed said Bertram, for his expenses incurred in said contest, being twenty-five dollars as expenses, and one hundred dollars as attorneys' fees.

Sec. 2. That the Auditor of Public Accounts be, and he is hereby directed to draw his warrant on the Treasurer for the sum of one hundred and twenty-five dollars in favor of said Powers, and one hundred and twenty-five dollars in favor of said Bertram.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

## Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
Bruce Adkins,	J. A. Ingram,	L. C. Rawlings,
T. H. Armstrong,	J. H. Lackey,	W. H. Ragland,
B. W. Bradburn,	Joseph F. Laufer,	S. Atwood Smith,
A. C. Brown,	John M. Letterle,	G. Weissinger Smith,
George H. Bishop,	J. M. Lee,	F. G. Shepherd,
W. T. Chilton,	J. R. Mallory,	O. P. Searcy,
W. H. Cooke,	J. D. Mocquot,	Waller Sharp,
J. C. Cantrill,	J. R. Mount,	G. B. Stout,
J. Morgan Chinn,	J. J. Marquette,	Frank M. Tracy,
A. S. Denton,	W. J. Mears,	South Trimble,
Claude Desha,	W. A. Morris,	George Traver,
W. W. Gill,	Emmett Orr,	C. A. Wilson,
W. C. Holland,	Chas. F. Ogden,	C. B. Wheeler,
J. A. Humphreys,	Michael O'Sullivan,	R. E. Watkins,
W. C. G. Hobbs,	Harry C. Pulliam,	R. C. Walker,
John T. Hinton,	E. Petty,	Jas. H. Williams,
W. B. Henderson,	V. Perkins,	Spk'r Beckham—54.

## Those who voted in the negative were:

W. H. Cole,	R. C. Jarnagin,	W. C. Pike,
Reuben Conner,	D. D. Lykins,	E. H. Read,
A. H. Charlton,	Reuben Morris,	J. S. Robey,
T. W. Clark,	R. C. Myers,	Miles Spurlock,
J. E. Cahill,	John M. Moore,	Ham. Shehan,
J. B. Depp,	F. May,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	A. J. Thompson,
C. W. Haverly,	J. Mc. Meloan,	H. S. Vanzant,
J. S. Hood,	M. F. North,	L. E. Weatherford,
James M. Hall,	Chas. Aaron Nelson,	David Woods,
Anderson Hatfield,	L. J. Owen,	J. D. Wills—34.
J. P. Jeffries,		

Resolved, That said resolution do pass and that the title thereof be as aforesaid.



The House took from the calendar bills of the following titles, viz:

H. B. 393. An act concerning transcripts of testimony to be used in the Court of Appeals.

S. B. 198. An act to amend an act for the government of cities of the first class, approved July 1, 1893.

S. Res. 16. Resolution authorizing suit against the State of Kentucky for certain indebtedness incurred by the State militia.

S. B. 183. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 362. An act to amend section 48, of an act entitled, "An act relating to courts of justice," approved June 10, 1893.

S. B. 174. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any connecting carrier, goods or freight at less freight charges than it charges or receives from other common carriers or persons for same or like service, and to prevent such railroad or common carrier companies from delivering goods or freight to any connecting carrier in violation of the orders and direction of owners and consignees, and prescribing penalties therefor.

S. Res. 13. Resolution providing for and furnishing rooms for the use of the State library.

S. B. 203. An act to provide for the operating expenses of the House of Reform.

S. Res. 8. Resolution for the benefit of circuit court clerks.

H. B. 163. An act to provide for the rebuilding of the workshops in the Eddyville Penitentiary, and to declare an emergency.

H. B. 386. An act to amend chapter 222 of the Kentucky Statutes, entitled, "An act for the government of cities of the third class," approved June 14, 1893.

S. B. 83. An act regulating the manufacture and sale of food.

S. B. 107. An act concerning the assessment and valuation for taxation of corporate franchises and intangible property by cities of the first and second class.

S. Res. 2. Resolution providing for the appointment of servants to attend to Senate Chamber and Hall of the House of Representatives, fixing their duties and providing for their pay.

H. B. 351. An act to amend and re-enact section 23, article 1, chapter 94, of the General Statutes, being section 4306, of the Kentucky Statutes.

H. B. 463. An act relating to the appointment of police matrons in cities of the first class in this State.

H. B. 477. An act to change the boundary of the town of Beattyville, in Lee County.

H. B. 410. An act providing for a suitable military representation of the Commonwealth on the occasion of the christening of the Battleship "Kentucky," and appropriating an amount to enable such representation to be made.

H. B. 234. An act for the benefit of incorporated districts, or other municipalities not heretofore assigned to any class of cities or towns.

Which bills were read the second time and placed in the orders of the day.

A message was received from the Senate announcing that they had passed bills as follows:

S. B. 6. An act to provide for the appointment of a clerk to the jury commissioners of counties having a population exceeding one hundred thousand.

S. B. 87. An act to amend sections 149 and 50 of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893, now being section 1279 of chapter 36 of Kentucky Statutes.

S. B. 125. An act to amend and re-enact section 8 of article 3 of an act entitled, "An act for the government of towns of the sixth class," approved May 6, 1893.

Ordered that said bills be referred: The first to the Committee on Circuit Courts, the second to the Committee on Criminal Law, and the third to the Committee on Municipalities.

And that they had passed the following bills which originated in House of Representatives, viz:

H. B. 348. An act giving effect to so much of section 199 of the Constitution of the Commonwealth of Kentucky as provides for the right to construct and maintain lines of telegraph within this State.

H. B. 136. An act to prohibit the sale, barter or loan of any intoxicating beverages, liquid mixture or decoction in the local option districts of this State, and providing a penalty therefor.

A message was received from the Senate announcing that they were ready to meet in joint session to execute the joint order of the day, viz:

The election of the commissioners to manage the penitentiaries of the State.

After a time the Senate entered the hall of the House of Representatives, in order.

The President pro tem of the Senate, the Hon. Mr. Goebel, taking the chair upon the right of the Speaker of the House, and presiding, called the joint assembly to order and directed the clerk to call the roll to ascertain if a quorum be present.

Upon the call of the roll of the Senate the following Senators answered to their names, viz:

Geo. H. Alexander,	McD. Ferguson,	A. D. Roberts,
W. J. Bale,	Newton Frazier,	James W. Shanks,
C. J. Bronston,	J. C. Gillespie,	Fenton Sims,

R. B. Brown,	William Goebel,	R. S. Triplett,
L. H. Carter,	Thos. H. Hays,	W. T. Voiers,
R. C. Crenshaw,	W. O. Jones,	T. R. Welch,
T. J. Elmore,	James S. Lay,	J. T. Wilson—23.
G. T. Farris,	C. C. McChord,	

Upon the call of the roll of the House the following Representatives answered to their names, viz:

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	J. H. Lackey,	W. H. Ragland,
T. H. Armstrong,	Joseph F. Laufer,	J. S. Robey,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	G. Weissinger Smith,
Geo. H. Bishop,	J. R. Mallory,	F. G. Shepherd,
A. Bertrami,	J. D. Mocquot,	O. P. Searcy,
Reuben Conner,	J. R. Mount,	Miles Spurlock,
A. H. Charlton,	J. J. Marquette,	Waller Sharp,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
J. C. Cantrill,	W. A. Morris,	B. F. Saunders,
J. E. Cahill,	J. Mc. Meloan,	A. J. Thompson,
J. Morgan Chinn,	M. F. North,	Frank M. Tracy,
A. S. Denton,	Chas. Aaron Nelson,	South Trimble,
Claude Desha,	Emmett Orr,	George Traver,
J. B. Depp,	Michael O'Sullivan,	L. E. Weatherford,
W. W. Gill,	L. J. Owen,	C. A. Wilson,
W. C. Holland,	Harry C. Pulliam,	R. E. Watkins,
J. A. Humphreys,	E. Petty,	R. C. Walker,
W. C. G. Hobbs,	W. C. Pike,	J. D. Wills,
John T. Hinton,	V. Perkins,	J. H. Williams,
W. B. Henderson,	A. B. Pieratt,	Spk'r Beckham—69.

The President pro tem announced that a majority of all those elected to both houses having answered to their names a quorum was present.

The President pro tem announced that the Joint Assembly

had met for the purpose of electing three commissioners to manage the State penitentiaries for the terms as provided by law.

Mr. Trimble named James M. Richardson, of the county of Barren; Henry George, of the county of Graves, and Edward Finnell, of the county of Harrison, as suitable persons for said offices.

There being no other nominations the roll of the two houses was called and resulted as follows, viz:

Those who voted for J. M. Richardson were:

Senators—

Geo. H. Alexander,	Newton Frazier,	A. D. Roberts,
W. J. Bale,	J. C. Gillespie,	James W. Shanks,
C. J. Bronston,	William Goebel,	Fenton Sims,
R. B. Brown,	Thos. H. Hays,	J. M. Thomas,
L. H. Carter,	J. J. Johnson,	R. S. Triplett,
R. C. Crenshaw,	W. O. Jones,	W. T. Voiers,
T. J. Elmore,	James S. Lay,	T. R. Welch,
G. T. Farris,	C. C. McChord,	J. T. Wilson—25.
McD. Ferguson,		

Representatives—

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	J. H. Lackey,	W. H. Ragland,
T. H. Armstrong,	Joseph F. Laufer,	J. S. Robey,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	G. Weissinger Smith,
Geo. H. Bishop,	J. R. Mallory,	F. G. Shepherd,
A. Bertram,	J. D. Mocquot,	O. P. Searcy,
Reuben Conner,	J. R. Mount,	Miles Spurlock,
A. H. Charlton,	J. J. Marquette,	Waller Sharp,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,

J. E. Cahill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	Harry C. Pulliam,	R. E. Watkins,
W. C. Holland,	E. Petty,	R. C. Walker,
J. A. Humphreys,	W. C. Pike,	J. D. Wills,
W. C. G. Hobbs,	V. Perkins,	Jas. H. Williams,
John T. Hinton,	A. B. Pieratt,	Spk'r Beckham—70.
W. B. Henderson,		

Those who voted for Henry George were:

Senators—

Geo. H. Alexander,	Newton Frazier,	A. D. Roberts,
W. J. Bale,	J. C. Gillespie,	James W. Shanks,
C. J. Bronston,	William Goebel,	Fenton Sims,
R. B. Brown,	Thos. H. Hays,	J. M. Thomas,
L. H. Carter,	J. J. Johnson,	R. S. Triplett,
R. C. Crenshaw,	W. O. Jones,	W. T. Voiers,
T. J. Elmore,	James S. Lay,	T. R. Welch,
G. T. Farris,	C. C. McChord,	J. T. Wilson—25.
McD. Ferguson,		

Representatives—

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	J. H. Lackey,	W. H. Ragland,
T. H. Armstrong,	Joseph F. Laufer,	J. S. Robey,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	G. Weissinger Smith,
Geo. H. Bishop,	J. R. Mallory,	F. G. Shepherd,
A. Bertram,	J. D. Mocquot,	O. P. Searcy,
Revben Conner,	J. R. Mount,	Miles Spurlock,
A. H. Charlton,	J. J. Marquette,	Waller Sharp,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,

W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	Harry C. Pulliam,	R. E. Watkins,
W. C. Holland,	E. Petty,	R. C. Walker,
J. A. Humphreys,	W. C. Pike,	J. D. Wills,
W. C. G. Hobbs,	V. Perkins,	Jas. H. Williams,
John T. Hinton,	A. B. Pieratt,	Spk'r Beckham—70.
W. B. Henderson,		

Those who voted for Edward Finnell were:

Senators—

Geo. H. Alexander,	Newton Frazier,	A. D. Roberts,
W. J. Bale,	J. C. Gillespie,	James W. Shanks,
C. J. Bronston,	William Goebel,	Fenton Sims,
R. B. Brown,	Thos. H. Hays,	J. M. Thomas,
L. H. Carter,	J. J. Johnson,	R. S. Triplett,
R. C. Crenshaw,	W. O. Jones,	W. T. Voiers,
T. J. Elmore,	James S. Lay,	T. R. Welch,
G. T. Farris,	C. C. McChord,	J. T. Wilson—25.
McD. Ferguson,		

Representatives—

M. Abele,	G. W. Hickman,	L. C. Rawlings,
Bruce Adkins,	J. H. Lackey,	W. H. Ragland,
T. H. Armstrong,	Joseph F. Laufer,	J. S. Robey,
B. W. Bradburn,	John M. Letterle,	S. Atwood Smith,
A. C. Brown,	J. M. Lee,	G. Weissinger Smith,
George H. Bishop,	J. R. Mallory,	F. G. Shepherd,
A. Bertram,	J. D. Mocquot,	O. P. Searcy,
Ruben Conner,	J. R. Mount,	Miles Spurlock,
A. H. Charlton,	J. J. Marquette,	Waller Sharp,

T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	John M. Moore,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	Harry C. Pulliam,	R. E. Watkins,
W. C. Holland,	E. Petty,	R. C. Walker,
J. A. Humphreys,	W. C. Pike,	J. D. Wills,
W. C. G. Hobbs,	V. Perkins,	Jas. H. Williams,
John T. Hinton,	A. B. Pieratt,	Spk'r Beckham—70.
W. B. Henderson,		

Messrs. Richardson, George and Finnell, having received a majority of all the votes cast, the same being a majority of all those elected to both houses, were declared duly elected for the time and terms prescribed by law.

Mr. Trimble moved that the Joint Assembly do now dissolve.

Said motion was adopted.

Whereupon the Senate retired, and the Speaker of the House resumed the chair and called the House to order.

The House took from the orders of the day:

S. B. 141. An act to authorize cities of the second class to acquire parts of turnpike roads lying within the corporate limits of such cities.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all cities of the second class are hereby



authorized and empowered to contract with any person, company or corporation owning or controlling any turnpike road in this Commonwealth for the surrender and transfer to any such city or so much of any part of any turnpike road as may be within the limits of such city; and when a contract for such surrender or transfer is ratified by the legislative boards of such city, then the part of such turnpike road embraced in such surrender or transfer shall become and be a public highway and street of such city, and shall thereafter be held, controlled and used as other streets.

Sec. 2. If any such city and the person, company, or corporation owning or controlling such turnpike road, cannot agree upon the terms of surrender or transfer of such part of such turnpike road, then power and authority are hereby conferred upon such city to acquire the part of, or any part of, such turnpike road within the corporate limits of such city, by proceedings in condemnation in manner and form as such city is now by law authorized to acquire other property for street and highway purposes.

Sec. 3. Because the acquisition of parts of turnpike roads within cities is necessary, there is an emergency that this act take immediate effect, and this act shall take effect upon its approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Jeffries,	L. C. Rawlings,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,
George H. Bishop,	Joseph F. Laufer,	J. S. Robey,
A. Bertram,	John M. Letterle,	S. Atwood Smith,
W. H. Cole,	J. R. Mallory,	G. Weissinger Smith,
Reuben Conner,	J. D. Mocquot,	F. G. Shepherd,
A. H Charlton,	J. R. Mount,	Andrew Sargent,
T. W. Clark,	J. J. Marquette,	O. P. Searcy,

W. T. Chilton,	W. J. Mears,	Miles Spurlock,
W. H. Cooke,	F. May,	Waller Sharp,
J. C. Cantrill,	J. H. Minor,	G. B. Stout,
J. E. Cahill,	W. A. Morris,	Ham. Shehan,
J. Morgan Chinn,	J. Mc. Meloan,	B. F. Saunders,
A. S. Denton,	M. F. North,	Frank M. Tracy,
Claude Desha,	Chas. Aaron Nelson,	South Trimble,
M. T. Freeman,	Emmett Orr,	George Traver,
J. S. Hood,	Chas. F. Ogden,	C. A. Wilson,
J. A. Humphreys,	L. J. Owen,	C. B. Wheeler,
W. C. G. Hobbs,	Harry C. Pulliam,	R. E. Watkins,
John T. Hinton,	E. Petty,	R. C. Walker,
W. B. Henderson,	V. Perkins,	Jas. H. Williams-65.
G. W. Hickman,	A. B. Pieratt,	

Those who voted in the negative were:

Reuben Morris—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Chilton, from the Committee on Claims, to which the same had been re-committed, reported:

S. Res. 10. Resolution providing for the payment of certain idiot claims.

Resolved that said resolution be read the third time.

Said resolution was read the third time and adopted, as follows, viz:

Whereas, When a person is adjudged an idiot or imbecile, and becomes a State charge, the law directs that an inquest be held on such person every fifth year after the first inquest; and that by reason of the change in the times of holding the terms of court, or neglect of the committee or the person who has charge of such idiot or imbecile to have such inquest held, there are persons who have cared for such idiots or imbeciles without receiving pay for same, and the Auditor refuses to pay the claims of such persons; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Auditor be and he is hereby authorized and directed to draw his warrant in favor of a committee or other person who has had in charge since January 1, 1896, any person who has been adjudged an idiot or imbecile and made a State charge. The person who has furnished or cared for such State charge, shall be paid for such time at the rate of seventy-five dollars per year as shall appear by an order of the proper court, showing the amount to be paid, the name of the person entitled to the same, and the time of keeping such person.

Sec. 2. Any person who fails to have his claim proven in the proper court, and have an order showing the amount due him by January 1, 1899, is barred of any relief under this resolution.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
B. W. Bradburn,	J. A. Ingram,	L. C. Rawlings,
Geo. H. Bishop,	J. P. Jeffries,	W. H. Ragland,
A. Bertram,	D. D. Lykins,	E. H. Read,
W. H. Cole,	John M. Letterle,	J. S. Robey,
Reuben Conner,	J. M. Lee,	S. Atwood Smith,
A. H. Charlton,	J. R. Mallory,	F. G. Shepherd,
T. W. Clark,	Reuben Morris,	O. P. Searcy,
W. T. Chilton,	J. R. Mount,	Miles Spurlock,
J. C. Cantrill,	J. J. Marquette,	G. B. Stout,
J. E. Cahill,	W. J. Mears,	Ham Shehan,
J. Morgan Chinn,	John M. Moore,	A. J. Thompson,
J. B. Depp,	J. H. Minor,	Frank M. Tracy,
M. T. Freeman,	W. A. Morris,	George Traver,
W. C. Holland,	M. F. North,	C. A. Wilson,

J. S. Hood,	Chas. Aaron Nelson,	C. B. Wheeler,
J. A. Humphreys,	L. J. Owen,	R. E. Watkins,
W. C. G. Hobbs,	Harry C. Pulliam,	R. C. Walker,
W. B. Henderson,	W. C. Pike,	Jas. H. Williams-57.

Those who voted in the negative were: none.

Resolved, That said resolution be adopted and that the title thereof be as aforesaid.

Mr. Desha, from the Committee on Corporate Institutions, to which the same had been re-committed, reported:

H. B. 247. An act concerning the court house district in Campbell county.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, In the county of Campbell, circuit and county courts are held, and all the county officers have offices in the city of Newport, as well as in Alexandria, the county seat; and,

Whereas, The court house wherein the said courts are held, and where the said offices are, was built. and has been, and is maintained under the provisions of acts of the General Assembly, entitled, "An act to authorize the construction and maintenance of a court house in Newport, in Campbell County," approved April 17, 1882, and "An act to amend an act, approved April 17, 1882, entitled, 'An act to authorize the construction and maintenance of a court house in Campbell County, and to increase the powers and duties of the commissioners of the said districts,'" approved March 13, 1886; and,

Whereas, By the provision of said acts, in addition to providing for the payment of the bonds and coupons issued to build said court house, and the expense of maintaining said court house, the commissioners are required to pay a part of the regular governmental expenses of the county, and persons and property in the district created for the purpose of building

and maintaining said court house are made exempt from county taxation; and,

Whereas, Dispute between the district and county officers has arisen therefrom; and,

Whereas, It is in keeping with the spirit of uniformity of government throughout the State, established by the present Constitution, that the fiscal court control the levy of taxes for the purpose of paying all county governmental expenses, and that the commissioners of the court house district shall pay the bonds and interest thereon, issued to pay for building the court house at Newport, and the expenses entailed by the holding of the additional courts, and having the additional offices in Newport, for the benefit of the districts alone; and,

Whereas, A like situation does not, and can not, under the present Constitution, exist elsewhere in the State, a special act is necessary; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That so much of acts of the General Assembly entitled, "An act to authorize the construction and maintenance of a court house in Newport, in Campbell County," approved April 17, 1882, and "An act to amend an act approved April 17, 1882, entitled, 'An act to authorize the construction and maintenance of a court house in Newport, Campbell County, and to increase the powers and duties of the commissioners of the said district,'" approved March 13, 1886, as exempt from taxation by the fiscal court of Campbell County persons residing, or property situated in the district created by said acts, be and the same is now repealed.

Sec. 2. That all of said acts which provide for the commissioners paying any part of the county expenses, or paying anything more than the bonds and the interest coupons thereon, issued to build the court house and the expense of maintaining the court house and the courts and offices therein,

be and the same are now repealed; and said commissioners shall continue to levy and collect the tax provided for in said acts for said purposes, and none other.

Sec. 3. Nothing herein, however, shall exempt the commissioners from paying the debt they now owe to the fiscal court.

Sec. 4. The commissioners shall not after the year 1898, levy a tax exceeding six cents on the one hundred dollars' valuation of property.

Sec. 5. This act shall take effect ninety days after the final adjournment of this Legislature.

The yeas and nays being required therein by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	L. C. Rawlings,
B. W. Bradburn,	D. D. Lykins,	W. H. Ragland,
Geo. H. Bishop,	John M. Letterle,	J. S. Robey,
A. Bertram,	J. M. Lee,	S. Atwood Smith,
Reuben Conner,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. D. Mocquot,	O. P. Searcy,
T. W. Clark,	Reuben Morris,	Miles Spurlock,
W. T. Chilton,	J. R. Mount,	G. B. Stout,
W. H. Cooke,	J. J. Marquette,	Ham. Shehan,
J. C. Cantrill,	W. J. Mears,	A. J. Thompson,
J. E. Cahill,	John M. Moore,	Frank M. Tracy,
J. Morgan Chinn,	W. A. Morris,	South Trimble,
A. S. Denton,	J. Mc. Meloan,	George Traver,
Claud Desha,	M. F. North,	L. E. Weatherford,
W. C. Holland,	Chas. Aaron Nelson,	C. A. Wilson,
J. S. Hood,	L. J. Owen,	C. B. Wheeler,
J. A. Humphreys,	Harry C. Pulliam,	R. E. Watkins,
W. C. G. Hobbs,	W. C. Pike,	R. C. Walker,
W. B. Henderson,	A. B. Pieratt,	Jas. H. Williams-58.
G. W. Hickman,		

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid:

The House took a recess until 3 o'clock P. M.

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AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Speaker Beckham in the chair.

The House took from the orders of the day:

H. B. 189. An act to amend and re-enact section 20, of chapter 47, of the acts of 1894, entitled, "An act to amend chapter 232 of the acts of 1891-2-3, entitled, 'An act relating to roads and passways.'"

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 20 of chapter 47 of the acts of 1894 be and the same is hereby amended and re-enacted by inserting in the ninth line after the word "thereon," the following words, to-wit: "or both;" so the said section as amended will read as follows:

"The fiscal court of each county shall have general charge and supervision of the public roads and bridges therein and shall prescribe necessary rules and regulations for repairing and keeping the same in order and for the proper management of all roads and bridges in said county under and subject to the provisions of this act. The public roads shall be maintained

either by taxation or by hands allotted to work thereon, or both in the discretion of the fiscal court of the respective counties as hereinafter provided."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	V. Perkins,
Bruce Adkins,	G. W. Hickman,	A. B. Pieratt,
T. H. Armstrong,	Anderson Hatfield,	L. C. Rawlings,
B. W. Bradburn,	J. A. Ingram,	W. H. Ragland,
George H. Bishop,	J. P. Jeffries,	E. H. Read,
W. H. Cole,	J. H. Lackey,	J. S. Robey,
Rueben Conner,	John M. Letterle,	G. Weissinger Smith,
A. H. Charlton,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	J. R. Mallory,	Andrew Sargent,
W. T. Chilton,	J. D. Mocquot,	W. T. Sharp,
W. H. Cooke,	Reuben Morris,	O. P. Searcy,
J. C. Cantrill,	W. J. Mears,	Miles Spurlock,
J. E. Cahill,	R. C. Myers,	Waller Sharp,
John Collins,	W. H. McKee,	Ham. Shehan,
A. S. Denton,	F. May,	A. J. Thompson,
M. T. Freeman,	J. H. Minor,	Frank M. Tracy,
W. W. Gill,	W. A. Morris,	South Trimble,
W. C. Holland,	M. F. North,	George Traver,
J. S. Hood,	Chas. Aaron Nelson,	C. A. Wilson,
J. A. Humphreys,	Emmett Orr,	C. B. Wheeler,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
James M. Hall,	Michael O'Sullivan,	David Woods,
John T. Hinton,	L. J. Owen,	Jas. H. Williams-71.
J. P. Haswell, Jr.,	Harry C. Pulliam,	

Those who voted in the negative were:

Claude Desha,	H. S. Vanzant,	L. E. Weatherford-4.
J. Mc. Meloan,		



Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Hickman, from the Committee on Circuit Courts, to which the same had been referred, reported:

S. B. 6. An act to provide for the appointment of a clerk to the jury commissioners of counties having a population exceeding one hundred thousand.

Said bill was read the first time, ordered to be printed, placed on the calendar and read the second time on some other day.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives of the following titles, viz:

H. B. 11. An act to abolish the office of Register of the Land Office, and to require the Auditor of Public Accounts to perform the duties of said office.

H. B. 49. An act to change the name of the town of Dawson City.

H. B. 55. An act providing for the transportation of bicycles as baggage by all railroads operating in the Commonwealth of Kentucky.

H. B. 68. An act to amend article 15, chapter 47, subsection 1, section 1749, of Kentucky Statutes.

H. B. 197. An act to amend and re-enact section 4, article 5, of an act entitled, "An act relating to revenue and taxation," approved November 11, 1892, and being section 4108 of Kentucky Statutes.

And had found the same correctly enrolled.

Said bills were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the Committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the Committee had performed that duty.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate of the following titles, viz:

S. B. 3. An act to amend section 231, of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, and being section 3017 of the Kentucky Statutes, and relating to the grading of applicants for license in cities of the first class.

S. B. 151. An act to amend an act entitled, "An act to protect citizens of this Commonwealth from empiricism," approved April 10, 1893.

S. B. 201. An act relating to the appointment of police matrons in the cities of the first class in this State.

And had found the same correctly enrolled.

Said bills were then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty,

The House took from the orders of the day:

S. B. 44. An act to amend and re-enact section 1, of chapter 31, of an act entitled, "An act providing for the creation and regulation of private corporations," approved March 21, 1896.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any number of persons not less than seven may associate to establish a corporation for the purpose of conducting a trust business under the provisions of this article; but the capital stock of any such company shall not be less than fifteen thousand dollars in counties having a population of twenty-five thousand or less; and not less than fifty thousand dollars, in counties having a population of over twenty-five thousand and less than forty thousand; and not less than one hundred thousand dollars, in counties having a population of over forty thousand and less than one hundred thousand; and not less than two hundred thousand dollars in counties having a population of over one hundred thousand; and a statement of any increase or reduction in the capital stock shall be signed and acknowledged by the president and a majority of the directors, and filed and recorded in the same manner as articles of incorporations.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. M. Lee,	S. Atwood Smith,
T. H. Armstrong,	J. D. Mocquot,	Andrew Sargent,
A. C. Brown,	Reuben Morris,	W. T. Sharp,
George H. Bishop,	J. J. Marquette,	O. P. Searcy,
J. E. Cahill,	R. C. Myers,	Miles Spurlock,
John Collins,	W. A. Morris,	G. B. Stout,
A. S. Denton,	Chas. Aaron Nelson,	A. J. Thompson,
W. C. Holland,	Chas. F. Ogden,	H. S. Vanzant,
J. A. Humphreys,	L. J. Owen,	L. E. Weatherford,
W. C. G. Hobbs,	W. C. Pike,	C. A. Wilson,
J. P. Haswell, Jr.,	V. Perkins,	C. B. Wheeler,
Anderson Hatfield,	A. B. Pieratt,	R. E. Watkins,
J. P. Jeffries,	L. C. Rawlings,	David Woods,
Joseph F. Laufer,	W. H. Ragland,	Jas. H. Williams—44.
John M. Letterle,	J. S. Robey,	

Those who voted in the negative were:

M. Abele,	C. W. Haverly,	W. H. McKee,
A. Bertram,	John T. Hinton,	F. May,
W. H. Cole,	G. W. Hickman,	M. F. North,
A. H. Charlton,	R. C. Jarnagin,	Michael O'Sullivan,
T. W. Clark,	J. H. Lackey,	F. G. Shepherd,
W. H. Cooke,	J. R. Mallory,	Waller Sharp,
J. B. Depp,	J. R. Mount,	Ham. Shehan,
M. T. Freeman,	W. J. Mears,	B. F. Saunders—25.
W. W. Gill,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 371. An act allowing a reward for killing wolves, wild cats, red fox and grey fox in this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That every person who shall kill a wolf, wild cat, red fox or gray fox within this State, shall be paid out of the public treasury for each wolf two dollars, and for each wild cat, red fox and grey fox one dollar.

Sec. 2. Before the amount as provided in section 1 of this act shall be paid, the person killing any wolf, wild cat, red or grey fox shall produce the scalp of the animal so killed before the county judge or any justice of the peace in the county wherein the same was killed, who shall administer to him the oath or affirmation as follows, to-wit:

"Do you solemnly swear (or affirm) that the scalp now produced by you is the scalp of a wolf (or wild cat, red fox or grey fox as the case may be), which you have killed in this

State; that you did not take said wolf (or wild cat, red fox or grey fox as the case may be), in any other State, and bring same into this State; that you did not breed and raise the same, nor was it done by another, to your knowledge or belief, and kill the same for the purpose of obtaining the rewards as herein provided; that you will truly state the time and county in which said animal or animals was killed?"

Sec. 3. The county judge or the justice before whom the person takes the oath as above, shall issue to such person, in his correct name, a certificate, stating the fact that he has taken the oath as required by law. The county judge or justice of the peace before whom the oath is taken shall forthwith destroy the scalp.

Sec. 4. Upon the production of such certificate to the circuit court of the same county, if it shall, in the opinion of the said court, be in due form, the amount which such person is entitled to receive from the treasury shall be certified by said court.

Sec. 5. Upon the presentation of said certificate, certified and approved by the court by the person to whom the same was given or to any one to whom he may endorse the same in his own hand writing or by mark attested by two witnesses who can write their names, to the Auditor of Public Accounts and the said Auditor is hereby authorized and directed to draw his warrant in favor of the party presenting the certificate as hereinbefore mentioned on the Treasurer for the amount, and the Treasurer is hereby authorized and directed to pay said warrants out of any funds not otherwise appropriated.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	L. J. Owen,
Bruce Adkins,	J. P. Haswell, Jr.,	Harry C. Pulliam,
T. H. Armstrong,	W. B. Henderson,	E. Petty,

B. W. Bradburn,	Anderson Hatfield,	A. B. Pieratt,
A. C. Brown,	J. A. Ingram,	L. C. Rawlings,
George H. Bishop,	J. P. Jeffries,	E. H. Read,
A. Bertram,	R. C. Jarnagin,	G. Weissinger Smith,
W. H. Cole,	D. D. Lykins,	F. G. Shepherd,
Reuben Conner,	Joseph F. Laufer,	Andrew Sargent,
A. H. Charlton,	John M. Letterle,	W. T. Sharp,
T. W. Clark,	J. M. Lee,	Miles Spurlock,
W. H. Cooke,	J. D. Mocquot,	Waller Sharp,
J. C. Cantrill,	Reuben Morris,	G. B. Stout,
J. E. Cahill,	J. R. Mount,	Ham. Shehan,
J. Morgan Chinn,	J. J. Marquette,	A. J. Thompson,
John Collins,	R. C. Myers,	Frank M. Tracy,
M. T. Freeman,	W. H. McKee,	South Trimble,
W. C. Holland,	F. May,	George Traver,
C. W. Haverly,	J. H. Minor,	C. B. Wheeler,
J. S. Hood,	W. A. Morris,	R. E. Watkins,
J. A. Humphreys,	Emmett Orr,	David Woods,
W. C. G. Hobbs,	Chas. F. Ogden,	Jas. H. Williams-68.
James M. Hall,	Michael O'Sullivan,	

Those who voted in the negative were:

W. T. Chilton,	J. H. Lackey,	V. Perkins,
A. S. Denton,	J. R. Mallory,	W. H. Ragland,
Claude Desha,	John M. Moore,	J. S. Robey,
J. B. Depp,	J. Mc. Meloan,	C. A. Wilson,
W. W. Gill,	M. F. North,	R. C. Walker-17.
G. W. Hickman,	Chas. Aaron Nelson,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, MARCH 11, 1898.

The House was opened with prayer by Rev. Wm. Crowe, of the Southern Presbyterian church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

The House took from the orders of the day:

S. B. 83. An act regulating the manufacture and sale of food.

Mr. Ogden moved to postpone the further consideration of said bill until to-morrow at 11 o'clock A. M., and that the same be made a special order for that hour.

Said motion was rejected.

Mr. Ogden moved to amend said bill by adding after the word "liquors" in section 2 the words "vinegar and cider."

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any person, persons or corporation within this State to manufacture for sale or expose for sale, or have in his or their possession for sale, or to sell any article of food which is adulterated or misbranded within the meaning of this act.

Sec. 2. The term "food," as used in this act, shall include every article used for food or drink by man, horses or cattle, except spirituous, vinous and malt liquors.

The term "misbranded," as used in this act, shall include every article of food, and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall be untrue in any particular, or any statement purporting to name the substance or substances of which such article is made, which statement shall not give fully the names of all substances contained in such articles in any measurable quantity.

Sec. 3. For the purpose of this act, an article shall be deemed adulterated: First, if any substance, or substances be mixed or packed with it so as to reduce or lower, or injuriously affect its quality or strength.

Second, if any inferior substance, or substances be substituted wholly or in part for the article.

Fourth, if it be an imitation, or sold under the name of another article; Provided, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine or kindred compounds in a separate and distinct form, and in such manner as will advise the customer of its real character, free from coloration or ingredient that causes it to look like butter,

Fifth, if it is colored, coated, polished or powdered whereby damage is concealed, or if it is made to appear better or of greater value than it is.

Sixth, if it contains poisonous ingredients which may render such article injurious to the health of a party consuming it, or if it contains any antiseptic or preservative not evident or not known to the purchaser or consumer.

Seventh, if it consist in whole or in part of a diseased, filthy, decomposed or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or if any animal that has died otherwise than by slaughter.



Sec. 4, The Experiment Station of the Agricultural and Mechanical College, hereby designated as the "Kentucky Agricultural Experiment Station" shall make analysis of food products on sale in Kentucky, suspected, of being adulterated at such times and places, and at such extent as the director thereof may determine. And the director of the said Kentucky Agricultural Experiment Station may appoint such agent or agents as he deems necessary, who shall have free access at all reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food adulterated with any deleterious or foreign ingredient or ingredients exists, and such agent or agents upon tendering the market price of said article may take from any person, firm or corporation samples of any article suspected of being adulterated as aforesaid and said station may adopt or fix standards of purity, quality or strength when such standards are not specified or fixed by statute.

Sec. 5. Whenever said station shall find by its analysis that adulterated food products have been on sale in the State it shall forthwith transmit the facts so found to a grand juror or prosecuting attorney of the district in which such adulterated food product was found.

Sec. 6. Said station shall make an annual report to the Governor upon adulterated food products, in addition to the reports required by law, which shall not exceed one hundred and fifty pages, and said report may be included in the report which said station is already authorized by law to make, and such annual reports shall be submitted to the General Assembly at its regular session.

Sec. 7. Any person, who either by himself, his agent or attorney, with the intent that the same may be sold as adulterated or misbranded, adulterates or misbrands and food as defined in this act, for man or horse or cattle, or knowing that the same has been adulterated or misbranded, offers for sale or sells the same as unadulterated or truly branded, or

without disclosing or informing the purchaser that the same has been adulterated, or misbranded, shall be fined not more than five hundred dollars or imprisoned not more than one year.

Sec. 8. The said Kentucky Agricultural Experiment Station shall receive for taking samples within the provisions of this act and for analysis of the same only actual traveling expenses and five dollars for each sample taken and analyzed, to be paid by the Commonwealth of Kentucky upon warrant of Auditor as other claims, but recovered of the owner of such article of food if declared upon inspection to be found adulterated or misbranded within the meaning of this act. The expenses of above inspection shall in no year exceed twenty-five hundred dollars.

Sec. 9. All fines recovered under this act shall be kept as a separate fund to pay necessary expenses in maintaining same.

Sec. 10. No civil action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

Sec. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Anderson Hatfield,	V. Perkins,
Bruce Adkins,	J. A. Ingram,	A. B. Pieratt,
B. W. Bradburn,	J. H. Lackey,	L. C. Rawlings,
A. C. Brown,	Joseph F. Laufer,	W. H. Ragland,
George H. Bishop,	John M. Letterle,	J. S. Robey,
A. Bertram,	J. M. Lee,	G. Weissinger Smith,
W. H. Cole,	J. R. Mallory,	F. G. Shepherd,
Reuben Conner,	J. D. Mocquot,	Andrew Sargent,
A. H. Charlton,	Reuben Morris,	W. T. Sharp,

T. W. Clark,	J. R. Mount,	O. P. Searcy,
W. T. Chilton,	W. J. Mears,	Miles Spurlock,
W. H. Cooke,	R. C. Myers,	G. B. Stout,
J. C. Cantrill,	John M. Moore,	Ham. Shehan,
J. E. Cahill,	W. H. McKee,	B. F. Saunders,
J. Morgan Chinn,	F. May,	A. J. Thompson,
A. S. Denton,	J. H. Minor,	Frank M. Tracy,
Claude Desha,	W. A. Morris,	South Trimble,
J. B. Depp,	J. Mc. Meloan,	George Traver,
W. W. Gill,	M. F. North,	L. E. Weatherford,
W. C. Holland,	Chas. Aaron Nelson,	C. A. Wilson,
J. A. Humphreys,	Chas. F. Ogden,	R. E. Watkins,
W. C. G. Hobbs,	Michael O'Sullivan,	R. C. Walker,
J. P. Haswell, Jr.,	L. J. Owen,	J. D. Wills,
W. B. Henderson,	E. Petty,	Jas. H. Williams,
G. W. Hickman,	W. C. Pike,	Spk'r Beckham—75.

Those who voted in the negative were:

John Collins,	R. C. Jarnagin,	J. A. Small,
M. T. Freeman,	D. D. Lykins,	H. S. Vanzant,
C. W. Haverly,	Harry C. Pulliam,	David Woods—9.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

A message was received from the Governor as follows, viz :

COMMONWEALTH OF KENTUCKY,	}
EXECUTIVE DEPARTMENT,	
FRANKFORT, Ky., March 11, 1898.	

To the House of Representatives of Kentucky:

Gentlemen: Herewith is returned House Bill No. 102, without approval.

The State of Kentucky owned stock in turnpikes in 1895 worth four hundred thousand dollars, on which dividends amounting to near twenty-four thousand dollars were annually paid. The money with which this stock was purchased was

raised by taxation of the people of the whole State. This was done to encourage the building of good roads and the development of the resources of the State.

The residue of stock in the various turnpikes is owned by the counties which taxed the people in order to purchase it, and public spirited citizens who invested their money to assist their various localities, expecting as a matter of course that they would be protected in the use and enjoyment of their property.

The State stock was turned into a sinking fund and sacredly set apart by the Constitution for the payment of the State's indebtedness, with the injunction that it should not be diminished until that debt was paid. (Section 48.)

A few years ago the idea was conceived of making all the roads free, and for that purpose the fiscal courts of the various counties were empowered to buy them. To accomplish these things the counties were empowered to vote to free the roads and for the issuance of bonds with which to pay for them.

Subsequently votes were taken in many, if not all, the counties where turnpikes were situated, freedom of the roads I believe, carrying in all of them, but in many instances while it was voted to make the roads free, the issual of bonds was defeated. There was no other manner possible by law in which to pay for them and the effect of these votes was to free the roads without compensation.

Of course in such instances the roads could not be made free by law and a discontent began to manifest itself among those who were unwilling to pay for the roads or wait until other votes were taken for the issuance of bonds. This developed into the systematic organization of bands of worthless vagabonds, the members of which were unable to pay either tolls or taxes, inspired with the belief that all others should be as worthless as themselves and that the owners of turnpike stock were the enemies of society. They went forth armed and masked, in the night time, destroying toll-gates and toll-

houses, in some instances robbing the keepers and terrorizing in many localities the better element of society. To them a little later was added a number of active sympathizers, (who in many instances, foreseeing that such conduct would result in destroying the value of turnpikes, and the taxes levied on their property to pay for them would thereby be materially lessened), did not hesitate to approve their unlawful acts.

The openly expressed sympathy of this respectable element added new zeal and ardor to the cowards and midnight marauders, who had defied law and order, and disgraced the fair name of the State. I have no words in which I can fittingly express condemnation for either of the classes named, or the evil deeds which have resulted from their alliance.

In order to stay the tide of ruffianism which was sweeping over the State, a bill was enacted by your immediate predecessors, and under all sorts of difficulties, with the officers in many sections acting hand in glove with the violators of the law, I have done everything in my power to enforce it. Nothing has operated so seriously to prevent such enforcement as the openly expressed sympathy of respectable people.

During the present session these crimes have multiplied, gates have been cut down, houses blown up, and to add to the horror of the situation, organized bands have taken human life with the gun, the bludgeon and the halter, and yet the law seems a dead letter and in many instances the peace officers dazed, paralyzed, or in accord with the fiends who have placed an indelible stain upon the escutcheon of the Commonwealth.

I called the attention of your honorable body to the terrible state of affairs existing at the time of your meeting, and earnestly recommended the passage of other laws to strengthen the hands of the executive and prevent the continuance of crime. No such legislation has been enacted, but in its stead, three sections of a statute, which were intended and well calculated, to restrain mob violence, have been repealed by the measure now under consideration.

The Constitution of the United States was ordained among other things—"to establish justice, insure domestic tranquility, promote the general welfare and secure the blessings of liberty." One of its cardinal principles is that no man "shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation." The same rights are declared to exist in sections 11 and 13 of the Kentucky Bill of Rights.

It is idle to boast of these safe-guards and great excellency of our government if any of the restraints now imposed upon lawlessness are to be removed.

I know it has been said that turnpike companies should pay for their own guards. If this rule is to be adopted, the State would become paymaster for a large amount of such expenditures and in this way instead of the counties where these raids are made, being compelled to pay to prevent lawlessness of their own people, the entire people of the State, although a large majority of the counties are at peace, will be forced to pay the money expended by the State because it is raised by general taxation.

It is not the corporations alone who are protected by the sections repealed, but the State, the county and the stockholders as well. Besides, these persons, or the corporate body for them, pay taxes to support the State and county governments. This being the case, it is but just and proper that they should be protected. Besides, under the sections named, every citizen of the State may invoke protection of his property from destruction at the hands of the mob.

It is said, too, that designing men have in some instances attacked toll gates, in order that they might be called out at public expense to guard them. This may or not be true, I know of no authenticated case, however. But whether true or false, it may well be said in response, that if the local authorities would do their duty such conduct would be rendered precarious and those who engage in it, be detected and punished.

Even though such practice has been indulged in, it by no means follows that those who are actually threatened or assailed in their possession should be entitled to no protection.

Private property cannot be taken for public use without just compensation. The object of the sections repealed was to prevent this being done, and as the repeal of the sections withdraws from the citizen a necessary protection (now guaranteed by law) to which he is entitled under the Constitution, the bill is not only subversive of good government, but unconstitutional.

It is recited in the bill: "Whereas, A great number of guards are now being ordered under the provisions of said sections 5, 6 and 7, of the aforesaid act at a great expense to different counties in the State, an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the Governor."

It is not claimed in this emergency clause that these guards are improperly on duty, and as they were ordered out by officers of the government, the presumption is that it was because of necessity to protect property. This being true, the reasons declared for an emergency shows conclusively that no emergency exists.

The bill provides that it shall "take effect and be in force from and after its approval by the Governor."

This being the case, it will not take effect, at any rate until ninety days have elapsed after adjournment, because I cannot and will not approve it.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sections 5, 6 and 7 of an act entitled, "An act to prevent lynching and injury to and destruction

of real and personal property in this Commonwealth at the hands of mobs or other riotous assemblages of persons, and to prevent the posting and circulation of threatening letters, and to prescribe penalties for the enforcement of its provisions," approved May 20, 1897, be and the same are hereby repealed.

Whereas, A great number of guards are now being ordered under the provisions of the said sections 5, 6 and 7 of the aforesaid act at a great expense to the different counties in this State, an emegency is declared to exist, and this act shall take effect and be in force from and after its approval by the Governor.

The question being taken on the passage of said bill, the objections of the Governor to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	L. C. Rawlings,
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	J. S. Robey,
A. C. Brown,	John M. Letterle,	S. Atwood Smith,
Geo. H. Bishop,	J. M. Lee,	F. G. Shepherd,
A. Bertram,	J. R. Mallory,	J. A. Small,
Reuben Conner,	J. R. Mount,	O. P. Searcy,
A. H. Charlton,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	Waller Sharp,
W. T. Chilton,	John M. Moore,	G. B. Stout,
W. H. Cooke,	W. H. McKee,	Ham. Shehan,
J. C. Cantrill,	W. A. Morris,	B. F. Saunders,
J. E. Cahill,	J. Mc. Meloan,	A. J. Thompson,
J. Morgan Chinn,	M. F. North,	Frank M. Tracy,
A. S. Denton,	Chas. Aaron Nelson,	South Trimble,
Claude Desha,	Emmett Orr,	George Traver,
J. B. Depp,	Michael O'Sullivan,	L. E. Weatherford.



W. W. Gill,	L. J. Owen,	C. A. Wilson,
W. C. Holland.	Harry C. Pulliam,	R. E. Watkins,
C. W. Haverly,	E. Petty,	R. C. Walker,
J. A. Humphreys,	W. C. Pike,	J. D. Wills,
W. C. G. Hobbs,	V. Perkins,	Jas. H. Williams—68.
John T. Hinton,	A. B. Pieratt,	

Those who voted in the negative were:

T. H. Armstrong,	R. C. Jarnagin,	E. H. Read,
W. H. Cole,	D. D. Lykins,	G. Weissinger Smith,
John Collins,	Reuben Morris,	Andrew Sargent,
M. T. Freeman,	R. C. Myers,	W. T. Sharp,
James M. Hall,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	C. B. Wheeler.
Anderson Hatfield,	Chas. F. Ogden,	David Woods—22.
J. P. Jeffries,		

Resolved, That said bill do pass and that the title thereof be as aforesaid, the objections of the Governor to the contrary notwithstanding.

A message was received from the Senate announcing that they had passed Senate Bill No. 145, the objections of the Governor to the contrary notwithstanding.

The veto message and bill were read as follows, viz:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY, March 10, 1898. }

To the Senate of Kentucky:

Gentlemen: Senate Bill No. 145 is returned herewith without approval.

In my judgment it is unconstitutional and fraught with great danger to free institutions.

The State Constitution confers all the powers of government upon three departments: The legislative, the executive and the judicial, and no one of them can exercise the powers

except "when especially directed or permitted" by that instrument.

It cannot be claimed that the legislative division can appoint or elect an officer, unless the duties of his office appertain to that department.

The three commissioners, whose election is provided for by this bill are not legislative officers. They can make no law, nor could the Legislature delegate them the power so to do.

On the contrary their duties are both executive and judicial; executive as to the power of appointment, removal and canvassing the returns; judicial in the decision of contests.

Not only so, from that decision there is no appeal, subdivision 4, of section 12, declaring "the decision of the board shall be final and conclusive."

The Legislature has no more right to elect these commissioners than the Governor has to appoint a clerk of both houses of that body, or the judges of the Court of Appeals have to appoint the private secretary of the Governor.

In the proper observance of the lines which separate the three divisions of the government and the resistance by each of any encroachment by the others, is involved the liberty of the people.

If any one of the departments may infringe upon the privileges of the others, the result must inevitable be disastrous. Suppose the General Assembly should enact a law declaring all judgments of the courts, or, indeed, any judgment of a court, null and void; or, that the executive should determine to disperse the General Assembly, or, that a court should decide that the Legislature should enact no law, or, the Governor's orders should not be obeyed. Can any sane man doubt that anarchy and revolution would be the natural and unavoidable sequence. And in order to prevent any such catastrophe or any conflict of jurisdiction leading to such serious results, our fathers carefully separated the powers of the government,

divorcing each from the other, except in so far as otherwise "expressly directed or permitted."

Under this system every disaster may be averted, and every power controlled within its orbit. If the Governor should disregard the Constitution, he must answer articles of impeachment presented by the House; before the Senate, if the judiciary should become venal or corrupt, it must pass through the same ordeal, and if the Legislature enacts a law that is unconstitutional, the Governor may interpose his veto and the courts may declare it a nullity.

The officers created by the bill as already stated can make no law, hence they are not legislative. The attempt to confer upon them judicial powers prevents their appointment by the General Assembly. Nor can their election be justified on the ground that they are a court, for the Constitution after creating the appellate, circuit, county, quarterly, police and fiscal courts, declares: "No court save those provided for in the Constitution shall be established."

There is an unbroken current of authority, State and Federal, denying the exercise of such power as that claimed in this measure. In *State vs. Kennon*, 7 Ohio, 547, the court said: "The official or unofficial character of the officers is to be determined \* \* \* by the nature of the functions devolving upon them," and at page 560 declares: "To prescribe the manner of election or appointment to office is an ordinary legislative function; to make an appointment is an administrative function."

Said the Supreme Court of Indiana (*Langenberg vs. Decker*, 13 Indiana, 478): "The powers of these departments are not merely equal, they are exclusive in respect to the duties assigned to each, and they are absolutely independent of each other. The encroachment of one upon the other is watched with jealous care, and is generally promptly resisted, for the observance of this division is essential to the maintenance of a republican form of government \* \* \* . It can not be con-

tended (479) that the State Board of Tax Commissioners belongs to the legislative department. \* \* \* It can not be successfully maintained that the Legislature could confer upon the Governor and the principal officers of the State duties pertaining to the judicial department. As the State Board of Tax Commissioners is neither a legislative body nor a court, it must belong to the executive and administrative department. That it does belong to that department we think is too plain for argument. Is is charged with executing certain provisions of the revenue law, and when it has performed that duty its function is ended."

And, in *Evansville vs. the State*, 118 Indiana, 426, the same court declared: "The power to appoint to office is an executive function, and while the legislative may provide by law for the appointment of all officers not provided for in the Constitution, the appointing power must be lodged somewhere within the executive department of the government."

In the case of *Supervisors of Election*, 114, Massachusetts, 251, the Supreme Court decided that an act of the Legislature which undertook to confer upon that court the power to appoint such supervisors was unconstitutional, and refused to make the appointment, saying: "These supervisors, although intrusted with a certain discretion in the performance of their duties, are strictly executive officers. \* \* \* Their duties relate to no judicial suit or proceeding, but solely to the exercise by citizens of political rights and privileges. We are unanimously of opinion that the power of appointing such officers cannot be conferred upon the justices of this court without violating the Constitution of this Commonwealth. We cannot exercise this power as judges, because it is not a judicial function"

Said the Supreme Court of Tennessee, *Jones vs. Perry*, 10 Yerger, 59:

"The whole judicial power of the State being expressly invested in the courts by the Constitution, the exercise of it by

the Legislature transcends the power intrusted to it by the Constitution, and cannot be legally carried into effect."

The Federal courts are more particular if possible than the State courts in preventing one department of government from exercising the powers of another.

In McLean, Acting Commissioner of Pensions, the court held that "the pension bureau is not a court. nor can any officer thereof be invested with judicial functions," and that Congress was not authorized to permit the power of a United States District Court to be invoked to compel the attendance of a witness before a pension examiner (37 Fed. Rep., 648).

In Kilbourne vs. Thompson, 103 U. S. S. C. R., 168, the highest court of the land held that Congress could not punish a witness for contempt, who refused to testify concerning the action of certain individuals whose conduct was then being investigated by a court, because it was an invasion of the judicial department.

In Field vs. Clark, the same court said, 143 U. S. S. C. R., 692: "Congress can not under the Constitution delegate its legislative power to the President."

Judge Cooley, in his excellent treatise on Constitutional law, page 104, says: "But the apportionment to this department of legislative powers does not sanction the exercise of executive or judicial functions, except in those cases warranted by parliamentary usage, where they are incidental, necessary or proper to the exercise of legislative authority, or where the Constitution, itself, in specified cases may expressly permit it."

Again, at page 108 he says: "The legislative power we understand to be the authority under the Constitution to make laws, and to alter and repeal them." He then quotes from Chief Justice Marshall, the greatest of American jurists: "The difference between the departments undoubtedly is that the legislative makes, the executive executes, and the judiciary construes the law."

Our own Appellate Court has never hesitated, when one department invaded another to declare its action a violation of the Constitution.

In *Johnson vs. Ferrell*, 8 Ky. L. Rep., the court decided that the Legislature had no right to dispense with the allegations in a pleading essential to make out a cause of action in the courts of Jefferson county.

In *City of Louisville vs. Cochran*, 82 Ky., the court held that an act of the Legislature fixing forms of a petition, restricting the defense and changing the rules of evidence, was unconstitutional.

In *Morgan vs. Vance* 10, Bush 324, the court held that an act of the Legislature which required that collectors of revenue should take an oath to support the Constitution and omitting the dueling oath, was unconstitutional because, under the Constitution the Governor alone can relieve the citizen who has engaged in a duel.

The opinion in *Slaughter vs. City of Louisville*, 89 Ky., 123, forcibly and plainly defines the powers of the Legislature. Says the court: "It seems to be well settled that the Legislature as the law making department of the State government, has no Constitutional power to fix the valuation of property which is to be taxed upon, ad valorem principles.

"The reason for the rule is, that the legislative department has no judicial, executive, or ministerial powers, and as the valuation in this State belong to the ministerial powers of government, it follows that the Legislature has no Constitutional power to make the valuation."

The opinion of Chief Justice Robertson in *Taylor vs. The Commonwealth*, 3 J. J. Mar., 401, seems to even more conclusively settle the absence of power in the Legislature to pass this bill.

Said he, in delivering the opinion of the court:

"Appointment to office is intrinsically executive," italiciz-

ing the word "intrinsically" and capitalizing the word "executive."

Nor can the bill under discussion be justified by saying that the power of appointing election officers has been heretofore taken from the executive department and conferred on the judicial, in that, it has been vested in the county court, for it has been decided in *Pennington vs. Woolfork* 79, Kentucky 16 to 19, that the county courts, although classed in the judiciary department by the Constitution and possessing judicial powers, are not exclusively judicial tribunals; that from their organization to the present executive powers have been conferred upon them, which have never been questioned; and that the long continued practical construction to be found in the statute referred to, and which have been acquiesced in by the bar and all the departments of the government for more than three-quarters of a century, dispel all doubt as to the power of the Legislature to confer upon such courts powers that were not judicial. Continuing, the court says: "Since some of these statutes were enacted the Constitution has been twice amended and re-adopted. The convention must be presumed to have been well acquainted with the fact that these non-judicial powers had been conferred by various acts, and were being exercised by the county courts, and the re-adoption of the first article in the very words of the former Constitution, was a virtual recognition of the validity of the statutes by which these powers have been, from time to time conferred."

But in order to avoid the rule that "all appointments are intrinsically executive," it is contended that the offices created by this bill are not appointed but elected. This can not cure the difficulty. The question at last is, are the offices legislative or executive? If the latter, then no power can select them in any way except the department to which they belong unless the Legislature should make them elective by the people, who are the sovereigns of all power. As said in the Ohio decision, the official or unofficial acts of the officers are to be determined

by the nature of the functions that are devolved upon them. Nor can anything which is directly forbidden by the supreme law of the State be accomplished by indirection. The Legislature can not elect officers except those which are necessary to perfect its organization and enable it to discharge its official functions and a United States Senator.

Section 153 of the Constitution declares: "Except as otherwise herein expressly provided the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections, and making due returns thereof, for issuing certificates to all persons entitled thereto, and for the trial of contested elections." In other words, it may provide for the manner of voting, for the manner of making due returns, for the manner of issuing certificates, and for the manner of the trial of contested elections. If it is to provide for the manner of doing these things, by necessary implication it is forbidden from doing them.

"Every positive direction in the Constitution contains an implication against anything contrary to it which would frustrate or disappoint the purpose of the provision." Cooley's Constitutional Limitations, page 105.

Says Mr. Cooley, page 78, supra: "When the Constitution defines the circumstances under which a right may be exercised, \* \* \* \* the specification is an implied prohibition against legislative interference to add to the condition."

The bill under consideration assumes in the first place, the power of the Legislature, not only to create the offices and provide the manner in which the commissioners may be selected, but to arrogate to itself the right to select them, and in this way to over-ride the executive department whose duty it is to execute legislative mandates. But it may be said that it did provide the manner, to-wit: That it provides that the Legislature shall elect them. If this be true, that body can under the same reasoning, elect all the three hundred and fifty county commissioners, and every other appointive office in the Com-



monwealth. The exercise of such power would destroy the very object for which the legislative department was created.

Section 107 of the Constitution declares: "The General Assembly may provide for the election or appointment for a term not exceeding four years, of such other county officers or district ministerial and executive officers as may from time to time be necessary." Section 93, of the Constitution, among other things provides: "Inferior State officers not specifically provided for in the Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term of not exceeding four years, and until their successors are appointed or elected and qualified." It is manifest that the Legislature may provide the manner in which every inferior State officer, not mentioned in the Constitution, may be elected or appointed; and also every county or district ministerial and executive officer as may from time to time be necessary. Will it be contended for a moment that the Legislature would have the power to appoint or elect these officers, when the Constitution describes them as "executive and ministerial officers?" That the Legislature may prescribe the manner of these appointments, so as to enable the executive department to discharge its duties and make effective the execution of the law, there can be no doubt. And there is as little doubt that it cannot, of itself, appoint them, or in any way add to or subtract from the power conferred upon it by the Constitution. It will be observed that the object of sections 93 and 107 was not to enable the Legislature to provide for the creation of officers, who were to assume the duties already conferred upon Constitutional officers, but to discharge other duties, which might from time to time be rendered necessary by improvements that might be suggested or new officers that might be necessary.

If all that is necessary to enable the Legislature to exercise a power vested in another department is the enactment of a law authorizing it so to do, then it may destroy the usefulness

of the other departments, and constitute itself supreme dictator. The officers created by the bill are inferior State officers, not specially provided for in the Constitution; described in section 93 supra, and that section authorizes their appointment or election in such manner as may be prescribed by law, the election referred to, evidently being by the people and the appointment by the executive department. If the framers of the Constitution intend to confer the power of election and appointment upon the legislative department, they would have provided in so many words that they should be elected or appointed by the Legislature, for if such power was intended to be conferred upon it by the organic law, why should the Legislature be required to enact a law authorizing it to exercise that power? The bill is unconstitutional for another reason: The State Board is composed of State officers, for their jurisdiction extends to and covers the whole State. This being true, the Legislature could not fill, nor could it authorize the board to fill vacancies, even though it had the power originally to create and elect them, for it must be borne in mind that these are elective officers as now constituted.

Section 152 of the Constitution declares: "Except as otherwise provided in the Constitution, vacancies in all elective offices shall be filled by election or appointment. \* \* \* Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor."

But there is another, even more serious objection to the bill, and that is, that it is in direct conflict with the Bill of Rights, which is "excepted out of the general powers of government, and is declared to forever remain inviolate." (Section 23, Constitution.) In this sacred declaration is found the very essence of a Republican form of government, and its invasion is a desecration of the very altar of Constitutional liberty.

The sixth section declares: "All elections shall be free and equal." Appreciating the fact that the fair, intelligent, free and equal exercise of the ballot was the bulwark of freedom, which

would successfully resist every encroaching wave of despotism, the patriotic framers of the supreme law of the State solemnly, deliberately and wisely inserted this emphatic provision; and any legislative or executive act, any judicial decision, which prevents or hampers the freedom or equality of elections is an usurpation. The question with which we are confronted at the threshold is, "can and will all elections be free and equal," when regulated by this measure. Since the institution of our State government, the appointment of election officers has been conferred upon the county authorities of each county, and in this way each subdivision of the State has been guaranteed a voice in local self government. The officers upon whom these duties have been devolved are elected by the people, who have faith and confidence in them. For more than a century there has been but slight complaint of these officers, and the wisdom of their selection has been proven by the test of time. Why is it necessary at this late day to obliterate these old landmarks, and erect new and untried standards under which to conduct elections?

It cannot be because a new class of citizens have become voters, for this occurred more than a quarter of a century ago. In my opinion, the reason declared in the emergency clause does not exist. The elections of 1895, 1896 and 1897 demonstrated that it does not. In 1895, for the first time, the Republican party came into power in this State by a plurality of a little less nine thousand, but no contest was made and those elected quietly took their places. The General Assembly convened the following year and did not see any necessity for the passage of such a bill as this, or any bill looking to the suppression or prevention of frauds in elections.

In November, 1896, the Republican plurality was only a few hundred, some complaints were made as to two, one Democratic and the other Republican, but it appeared that no more votes were cast than the number shown by the assessor's books, and again no contest was made, each person elected being accorded his place. In March, 1897, another Legislature

met, and although it had authority under the call, passed no law to prevent frauds in elections.

In 1897 the verdicts of 1895 and 1896 were reversed by a plurality of near seventeen thousand. Complaint was again made of fraud in the same two districts and another, but no contests were made.

In the light of these events it does not appear that there are any frauds perpetrated against elections which demand or justify the adoption of this law or the declaration in the emergency clause. But if the declaration as to frauds be true the question now arises, will the legislation now enacted prevent the recurrence of the frauds complained of?

If with the machinery in the hands of so many local agencies, divided politically and being required to recognize equally two parties in the appointment of election officers, frauds can not be prevented, now can it be expected that like occurrence may be prevented by concentrating and centralizing the entire election machinery of the State in the hands of three commissioners of one political party, without any restriction being placed upon them by way of bond and no criminal prosecution provided against them, for any violation of law, or misfeasance or malfeasance in office.

These officers, in case the General Assembly should not be in session, may supply vacancies on the board, and one member may appoint persons to take the places of both the others. A like power is given the county boards to appoint election officers, temporarily however, the permanent appointment to be made by the State Board.

The State Commissioners have the power to remove any member of the county board and supply the place at pleasure at any time, and the county board the right to remove any officer of election and supply the vacancy at any time. The county board is required to keep a record, which shall be public; but the State Board is not required to keep a record which shall be public, so that the latter may hold themselves free from

public inspection and criticism. The State Board not only governs the whole machinery in providing local officers, but is given power to count the votes at the Capital when the returns are sent in for Governor, Lieutenant-Governor and other officers elective by the whole State or more than one county, judges and clerk of the Court of Appeals, circuit judges, Commonwealth's attorney, Representatives in Congress and Electors for President and Vice-President. In addition it is made a board for determining contested elections other than Governor and Lieutenant-Governor, of any officer elective by the whole State, or of a judge or clerk of the Court of Appeals, circuit judge or Commonwealth's attorney, and from its decision there is no appeal.

In the first place the board, when the Legislature is not in session, may perpetuate itself by filling vacancies; in the second it may appoint or remove every county commissioner in the State; in the third it canvasses the returns of all the important offices named; in the fourth it hears contested elections as stated thus reviewing and completing its own acts, and in the fifth place its decision is absolutely final.

The county board is given the power to appoint officers to conduct elections, canvass the returns, and decide contests in all county offices, except members of the General Assembly. Their action is also final, for no appeal is provided, and it is declared that they, "shall be a board in each county with like powers as those mentioned in section 12," conferred on the State Board.

In view of all the extraordinary powers conferred, it is possible, much less probable, that the bill is calculated to prevent fraud, or to make all elections free and equal?

And is it not "Better to fear the ills we have than to fly to others we know not of?"

By this bill local self government is denied the people, and all power centralized in the hands of a triumvirate that has more power than any court in the Commonwealth. Clothed

with both judicial and ministerial functions, having no legislative attributes it nevertheless stands out in bold relief, the creature of the Legislature, beyond the control of courts and juries, the supreme power of the State and the absolute master of the people.

The bill is unconstitutional for another reason.

Section 51 of the Constitution declares that "No law \* \* \* shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred shall be re-enacted and published at length."

Webster defines "amend" to mean "by substituting something in the place of that removed."

The bill substitutes the State Commissioners in the place of the State Returning Board and State Contesting Board, both of which it necessarily removes; it substitutes the county commission in the place of the county judges, thereby removing them as the agents to appoint election officers. It not only amends the election law, but "revises" its provisions and "extends" them. And while it does all this, it does not "re-enact the sections" thus amended "and publish them at length."

A comparison of the bill with the act of 1892, will show that sections 3, 5, 9, 12 and 13 are amendments to section 2 of article 3, sections 1 and 6 of article 8 of the act of 1892. In fact, the bill as constructed leaves in doubt to some extent, what the Kentucky law of election is.

All this should have been made plain by clearly setting forth the sections as amended in their appropriate order.

Another serious objection presents itself. Under the bill an election might be rendered impossible, and thus the people prevented from selecting any officers for two years. If vacancies occur while the Legislature is not in session, they can be supplied only by remaining members of the State Board. Suppose the members should die, or two die and one become insane, or that from any unforeseen cause all be rendered

unable to act, then the vacancies could not be supplied until the meeting of the Legislature in 1900.

It is clear to my mind, however, that section 55, of the State Constitution, contains a provision which will prevent this bill from becoming a law until ninety days after the adjournment of the General Assembly. If this be true, no election for commissioners can be had during the present session, and thus what I believe to be its bad effects postponed, at least until the meeting of the next General Assembly, until which time the State commissioners cannot be elected. Said section is as follows:

"No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of the majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journal, an act may become a law when approved by the Governor," etc.

The object of this section was to give the public notice of the contents of every act passed for three months before it became a law, except when the relief given by legislation was of such a character that some great public emergency rendered it necessary that it should go into effect at an early date.

Of this emergency, the General Assembly and the Governor are made the judges, thus recognizing the checks and balances of the departments, which like a scarlet thread runs throughout the fundamental law. It has been said that if the Governor was disposed to engage in an unlawful act, which demanded for its suppression the enactment of an emergency clause, the Legislature would be powerless to accomplish anything. It may be said with equal force, that if the Legislature in order to accomplish an unlawful purpose incorporates an emergency clause, the Governor can prevent its accomplishment by refusing to approve the bill.

The framers of the Constitution intended to prevent any

emergency legislation over the head of the Governor. Had this not been the intention, the old Constitution would not have been changed in this respect, but bills allowed to go into effect at such time as might be fixed by the General Assembly. As the Constitution now stands, there is a specific time upon the happening of a certain contingency when the law takes effect, and that is, it "may become a law when approved by the Governor."

The addition to the bill of the words, "or its passage," is unauthorized by and in conflict with the organic law of the State.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly shall at its present session elect three commissioners, who shall be styled, "The State Board of Election Commissioners." They shall hold office for the term of four years, and until their successors are elected and qualified, they shall be citizens and electors of Kentucky, and not less than 25 years old; in the year 1902, and every fourth year thereafter the General Assembly shall elect such commissioners. Said commissioners shall qualify by taking before the clerk of the Court of Appeals an oath faithfully to perform their duties according to law. Of such qualifications said clerk shall make a certificate, which shall be noted upon the record of proceedings of said board, and preserved among the records. Said board shall elect one of its members chairman, who shall preside at its meetings; it shall appoint a secretary, who shall hold office during the pleasure of the board. The board shall prescribe the duties of the secretary and fix his compensation, which shall not exceed two hundred and fifty



dollars per annum. The board shall keep a record of its acts, orders, findings, judgments and all of its proceedings. A majority of said board shall constitute a quorum for the transaction of all business of the board, and a majority of said board may make any order, finding, judgment, or do any act or thing that the board is authorized or empowered to make or do. If a vacancy occurs in said board whilst the General Assembly is in session, said vacancy shall be filled by election by the General Assembly. If a vacancy or vacancies occur in said board whilst the General Assembly is in vacation, the same shall be filled by appointment by the remaining member or members of said board. Resignations from said board shall be in writing, directed to the board and filed among the records thereof.

Sec. 2. Said State Board of Election Commissioners shall annually, not later than the month of September, appoint three election commissioners for each county in this Commonwealth, who shall be styled the "County Board of Election Commissioners;" such county election commissioners shall be citizens and electors of the county for which they are appointed, and shall be not less than 25 years old. Before entering upon the duties of the office, they shall qualify by taking, before some officer authorized by law to administer oaths, an oath faithfully to discharge their duties as such commissioners according to law. The officer administering such oath shall make a certificate thereof, which shall be filed in the office of the county court clerk of the county. Said board shall elect one of its members chairman, who shall preside at its meetings. A majority of such board shall constitute a quorum for the transaction of all business of the board, for the doing of any act or thing that the board may do, and the making of any order, finding or judgment of the board. Any member of such county board may be at any time be removed from office by the State Board of Election Commissioners. All vacancies in such county boards shall be filled by said State Board, but until such vacancy or vacancies be filled by appointment by said State

Board, any vacancy or vacancies in any such county board may be temporarily filled by appointment by the remaining members or member of such county board. Said county board shall keep a record of its proceedings, which shall be a public record, and be kept in the office of the county court clerk.

Sec. 3. Said county board shall annually, not later than the month of October, appoint for each election precinct in the county, two judges, one clerk, and one sheriff of election, to act as such in their precinct, all of whom shall be discreet, qualified voters of the precinct for which they are appointed, and shall hold their offices until their successors are appointed and qualified; and so long as there are two distinct political parties in this Commonwealth, the judges, clerk and sheriff of election, in all elections by the people, under the Constitution and laws of the United States, and under the Constitution and laws of this Commonwealth, shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party, and the other judge of a different political party; and there shall be the like difference at each voting place between the sheriff and clerk of election; Provided, That there be a sufficient number of qualified persons of each political party resident in the precinct with which to fill said offices. No person shall be eligible as an officer of election who has not been a resident house holder in the precinct for which he is appointed for not less than one year next preceding his appointment, or who has anything of value bet or wagered, on the result of such election, or who is a candidate to be voted for at such election, or who is not capable of reading the Constitution of the Commonwealth in English, and of writing a plain and legible hand. It shall be the duty of said county board of election commissioners to test all such election officers as to their qualifications before appointment. If at any time before an election it shall be made to appear to the county board of election commissioners by the affidavit of two or more qualified voters of the precinct, or other evidence, that any election

officer is disqualified under the provisions of this act then said county board shall investigate said matter, and determine whether such officer is disqualified (and such a decision shall be final); and if he be found disqualified such officer shall be removed from office and a qualified person of the same political party as the officer removed shall therefore be appointed in his stead. Said county board of election commissioners may at any time remove from office any election officer and fill the vacancy thus occasioned. And said county board may at any time fill any vacancy in the office of election officer. The county board of election commissioners shall give due notice of said appointments of election officers to the sheriff of the county, who shall, at least ten days before the next ensuing election, give each judge, clerk and sheriff written notice of his appointment.

Sec. 4. Should the county board of election commissioners fail to attend for thirty minutes, after the time for commencing the election, or refuse to act, the officers in attendance shall appoint a suitable person or persons to act in his or their stead for that election. If none of said officers shall appear, as herein required, the qualified voters present shall elect the officers of election viva voce, as nearly as possible in conformity with the provisions of this act, who shall serve as such officers. Each officer of election shall before entering upon the duties of his office, take an oath faithfully to discharge his duties, as such officer, before some person authorized to administer an oath, or if no such officer be present, it may be administered by the clerk of the election, who in turn shall be sworn by one of the judges of election.

Sec. 5. Said county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county, and awarding and issuing certificates of election. Any two of the members of said board may constitute the board, but if either be a candidate, he shall have no voice in the decision of his own case. If from any cause

two of the members of the board can not act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in case of vacancies of such board. Within two days next after an election, the sheriff shall deposit with the clerk of the county court, the returns from the different precincts. On the next day the said county board of election commissioners shall meet in the clerk's office, between 10 and 12 o'clock in the morning, open and canvass the returns of such election, and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively, within the gift of the voters of the county, one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the Secretary of State at the seat of government. For offices not within the such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county, city, town, district or precinct, particularizing therein the precinct at which the votes were given, one copy to be retained in the clerk's office, one delivered to the sheriff, and one, in case of municipal or district election, to the common council of said municipality or governing authority of such district. The poll books shall thereafter remain in the clerk's office as part of its records; so, also, shall the certificates of any precinct judges which may have been used in the absence of the poll book of that precinct.

Sec. 6. Where two or more counties vote together in the choice of a Representative or Senator, the canvassing board of election of the respective counties, shall make duplicate written certificates over their signatures of the number of votes given in the counties for such Representative or Senator, one copy to be retained in the clerk's office of such county, and the other to be sent immediately by mail by said board to the canvassing board of the county in such district having the largest population which last named board shall between 10 and 12

o'clock in the morning of the second Monday after the election meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing over their signatures of the persons who appear to have received the largest number of votes, one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the Secretary of State at the seat of government.

Sec. 7. The certificate of election of a county officer shall be in substance in the following form: "Commonwealth of Kentucky, sct. We, A. B. and C., duly authorized to canvass the returns of the county of——, do certify, that at an election held in said county, on the — day of —, E. F. was duly elected to fill the office of ——." The certificate of election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

Sec. 8. When the election of a Governor or Lieutenant-Governor is contested a board for determining the contest shall be formed in the manner following:

First. On the third day the organization of the General Assembly which meets next after the election, the Senate shall select by lot three of its members, and the House of Representatives shall select by lot eight of its members, and the eleven so selected shall constitute a board, seven of whom shall have power to act.

Second. In making the selection by lot the name of each member present shall be written on a separate piece of paper, every such piece being as nearly similar to the other as may be. Each piece shall be rolled up so that the name thereon can not be seen, nor any particular piece be ascertained or selected by feeling. The whole so prepared shall be placed by the clerk in a box on his table, and after it has been well shaken and the papers therein well intermixed, the clerk shall draw out one paper, which shall be opened and read aloud by

the presiding officer, and so on until the required number is obtained. The persons whose names are so drawn shall be members of the Board.

Third. The members of the board so chosen by the two houses shall be sworn by the Speaker of the House of Representatives to try the contested election and give true judgment thereon according to the evidence unless dissolved before rendering judgment.

Fourth. The board shall, within twenty-four hours after its election, meet, appoint its chairman, and assign a day for hearing the contest, and adjourn from day to day as its business many require.

Fifth. If any person so selected shall swear that he can not, without great personal inconvenience, serve on the board. or that he feels an undue bias for or against either of the parties, he may be excused by the House from which he was chosen from serving on the board, and if it appears that a person so selected is related to either party, or is liable to any other proper objection on the score of its partiality, he shall be excused.

Sixth. Any deficiency in the proper number so created shall be supplied by another draw from the box.

Seventh. The board shall have power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman or clerk, and issue commissions for taking proof.

Eighth. Where it shall appear that the candidates receiving the highest number of votes given, have received an equal number, the right to the office shall be determined by lot, under the direction of the board. Where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered to fill the vacancy; Provided, The first two years of his time shall not have expired. When another than the person returned shall be found to have received the highest number of legal votes given

such other shall be adjudged to be the person elected and entitled to the office.

Ninth. No decision shall be made but by the vote of six members. The decision of the board shall not be final nor conclusive. Such decision shall be reported to the two Houses of the General Assembly for the further action of the General Assembly. And the General Assembly shall then determine such contest.

Tenth. If a new election is required it shall be immediately ordered by proclamation of the Speaker of the House of Representatives to take place within six weeks thereafter, and on a day not sooner than thirty days thereafter.

Eleventh. When a new election is ordered or the incumbent adjudged not to be entitled, his powers shall immediately cease, and, if the office is not adjudged to another it shall be deemed to be vacant.

Twelfth. If any member of the board willfully fails to attend its session he shall be reported to the House to which he belongs and thereupon such House shall in its discretion, punish him by a fine and imprisonment or both.

Thirteenth. If no decision of the board is given during the then session of the General Assembly, it shall be dissolved, unless by joint resolution of the two Houses, it is empowered to continue longer.

Sec. 9. After an election for Governor, Lieutenant-Governor, or other officer elective by the votes of the whole State, or more than one county, or for a judge of the Court of Appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representatives in the Congress, or Electors of President or Vice-President or for or upon questions or Constitutional amendments submitted to a vote of the people, it shall be the duty of the board of canvassers of returns for each county immediately after the examination of such returns, to make out two or more certificates in writing, over their signatures, of

the number of votes given in the county for each of the candidates for any of said offices, and the number of votes for or against such questions or Constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover, to the Secretary of State, at the seat of government.

Sec. 10. Said State Board of Election Commissioners, and in the absence of either, the other two, shall be a board for examining and canvassing the returns of election for any of the officers named in the last section of this act.

First. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the office of the Secretary of State, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

Second. In the case of the election of a Representative in the Congress, there shall be certificates, one to be retained in the office, another sent by mail to the clerk of the House of Representatives at the seat of Federal Government.

Third. It shall be the duty of the Secretary of the State, immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate, to be published in two newspapers.

Fourth. If two or more persons shall be found to have received the highest and an equal number of votes for the same office so that the election cannot be determined among the candidates by a plurality of the votes, it shall be determined by lot in such manner as the board may direct, and in the presence of not less than three other persons.

Fifth. If one or more of the persons voted for as Electors



of President is elected, then he or they, when convened to vote for President, shall determine which of the candidates having an equal number of votes shall be deemed to be elected without casting any lot therefor. But if none is elected, then the board shall determine the election by lot between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes according to their known pledges to vote for the different candidates so that the whole vote of the State may be given to the same person.

Sec. 11. Where the canvassing board of two or more counties on comparison of the returns, or the board of canvassers for a county find that two or more have received the highest and equal number of votes for the same office they shall by lot, determine which of the candidates is elected.

Sec. 12. Said State Board of Election Commissioners, or any two of them, shall be a board for determining the contested election of any officer other than Governor, or Lieutenant-Governor, elected by the votes of the whole State, or of a judge or clerk of the Court of Appeals, circuit judge, or Commonwealth's attorney.

First. Each member of the board, before entering upon his duties as such, shall be sworn by some judge or justice to try the contested election, and give true judgment thereon according to the evidence.

Second. A majority of the board shall be necessary to a decision, which shall be in writing, and signed in duplicate by the members concurring therein, one copy to be retained in the office of the Secretary of State, and the other delivered to the successful party, or sent to him by mail.

Third. The board shall have power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or secretary, and issue commissions for taking proof.

Fourth. Where it shall appear that the candidates receiv-

ing the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the direction of the board; where the persons returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered to fill the vacancy; Provided, The first two years of his term shall not have expired. Where another than the person returned shall be found to have received the highest number of legal votes cast, such other shall be adjudged to be the person elected and entitled to the office. The decision of the board shall be final and conclusive.

Fifth. The Governor shall immediately after such decision issue the proper commission, or order a new election, as the case may require.

Sec. 13. The county board of election commissioners, or any two of them, shall be a board in each county, with like powers as those mentioned in the next preceding section for determining the contested election of any officer elective by the votes of the county, or any district therein, excepting members of the General Assembly, and also of any police judge, clerk, marshal or other elective municipal officer, where there is no other provision of law for determining the contested election of such municipal officers. The board shall be governed by the rules mentioned in the next preceding section, where the same are applicable to its duties. The decision of the board shall be given in writing, and signed in triplicate, one copy to be entered on the minutes of the board, another delivered to the successful party, and the other, when necessary for obtaining a commission, sent by mail to the Secretary of the State. When the decision so requires, a writ for a new election shall immediately be issued.

Sec. 14. Said State Board of Election Commissioners shall hold its sessions at the seat of government, at Frankfort, where a suitable room for them shall be provided in some of the State buildings. The members of the board shall be paid

for all their services under this act, five dollars per day while so in session; Provided, That no member of said board shall be paid more than one hundred dollars for his services in any year. Said board shall provide itself with necessary books, papers, material and postage, to enable it to perform the duties with which it is charged by this act. The chairman of said board shall certify to the Auditor of Public Accounts the money so expended by said board, and the sums that the members of said board and its secretary are entitled to be paid under this act, and thereupon the Auditor shall draw his warrant upon the treasurer for the sums so certified, to the end that the same be paid out of the treasury.

Sec. 15. The County Board of Election Commissioners shall be paid for all services they may render under this act, two dollars per day while actually in session; but no member of such board shall be paid more than twenty dollars for his services during any year. Said board may provide itself with necessary books and stationery to enable it to perform its duties under this act, the amount of such expenditure and the number of days the said board were actually in session, shall be certified by the chairman of the board to the fiscal court of the county and paid out of the county funds.

Sec. 16. All acts and parts of acts in conflict with this act are, to the extent of such conflict repealed.

Sec. 17. Because of the frauds that are now perpetrated in elections in this Commonwealth, there is an emergency that this act take immediate effect, and this act shall take effect upon its approval by the Governor or its passage.

Mr. Bradburn moved the previous question on the passage of said bill.

Said motion was adopted.

The yeas and nays being demanded thereon by Messrs. Orr and O'Sullivan, were as follows, viz:

## Those who voted in the affirmative were:

M. Abele,	J. A. Humphreys,	W. H. Ragland,
Bruce Adkins,	W. B. Henderson,	J. S. Robey,
T. H. Armstrong,	G. W. Hickman,	S. Atwood Smith,
B. W. Bradburn,	John M. Letterle,	F. G. Shepherd,
A. C. Brown,	J. M. Lee,	J. A. Small,
Geo. H. Bishop,	J. R. Mallory,	Miles Spurlock,
A. Bertram,	J. R. Mount,	Waller Sharp,
A. H. Charlton,	J. J. Marquette,	G. B. Stout,
W. W. Combs,	John M. Moore,	B. F. Saunders,
T. W. Clark,	W. H. McKee,	A. J. Thompson,
W. T. Chilton,	W. A. Morris,	South Trimble,
W. H. Cooke,	J. Mc. Meloan,	George Traver,
J. C. Cantrill,	M. F. North,	L. E. Weatherford,
J. E. Cahill,	Chas. Aaron Nelson,	C. A. Wilson,
J. Morgan Chinn,	E. Petty,	R. E. Watkins,
A. S. Denton,	V. Perkins,	R. C. Walker,
Claude Desha,	A. B. Pieratt,	J. D. Wills,
W. C. Holland,	L. C. Rawlings,	Jas. H. Williams—54.

## Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	Michael O'Sullivan,
Reuben Conner,	R. C. Jarnagin,	Harry C. Pulliam,
John Collins,	J. H. Lackey,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	G. Weissinger Smith,
C. W. Haverly,	Joseph F. Laufer,	Andrew Sargent,
J. S. Hood,	J. D. Mocquot,	W. T. Sharp,
W. C. G. Hobbs,	Reuben Morris,	O. P. Searcy,
James M. Hall,	R. C. Myers,	Frank M. Tracy,
John T. Hinton,	F. May,	H. S. Vanzant,
J. P. Haswell, Jr.,	J. H. Minor,	C. B. Wheeler,
Anderson Hatfield,	Emmett Orr,	David Woods—35.
J. A. Ingram,	Chas. F. Ogden,	

The question being taken on the passage of said bill, the

objections of the Governor to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	W. H. Ragland,
Bruce Adkins,	John M. Letterle,	J. S. Robey,
T. H. Armstrong,	J. M. Lee,	S. Atwood Smith,
B. W. Bradburn,	J. R. Mallory,	F. G. Shepherd,
A. C. Brown,	J. R. Mount,	J. A. Small,
George H. Bishop,	J. J. Marquette,	Miles Spurlock,
A. Bertram,	W. J. Mears,	Waller Sharp,
A. H. Charlton,	John M. Moore,	G. B. Stout,
W. W. Combs,	W. H. McKee,	B. F. Saunders,
T. W. Clark,	W. A. Morris,	A. J. Thompson,
W. T. Chilton,	J. Mc. Meloan,	South Trimble,
W. H. Cooke,	M. F. North,	George Traver,
J. C. Cantrill,	Chas. Aaron Nelson,	L. E. Weatherford,
J. E. Cahill,	Michael O'Sullivan,	C. A. Wilson,
J. Morgan Chinn,	Harry C. Pulliam,	R. E. Watkins,
A. S. Denton,	E. Petty,	R. C. Walker,
Claude Desha,	W. C. Pike,	J. D. Wills,
W. C. Holland,	V. Perkins,	Jas. H. Williams,
J. A. Humphreys,	A. B. Pieratt,	Spk'r Beckham—59.
W. B. Henderson,	L. C. Rawlings,	

Those who voted in the negative were:

W. H. Cole,	J. A. Ingram,	Emmett Orr,
Reuben Conner,	J. P. Jeffries,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	E. H. Read,
M. T. Freeman,	J. H. Lackey,	G. Weissinger Smith,
C. W. Haverly,	D. D. Lykins,	Andrew Sargent,
J. S. Hood,	Joseph F. Laufer,	W. T. Sharp,

W. C. G. Hobbs,	J. D. Mocquot,	Frank M. Tracy,
James M. Hall,	Reuben Morris,	H. S. Vanzant,
John T. Hinton,	R. C. Myers,	C. B. Wheeler,
J. P. Haswell, Jr.,	F. May,	David Woods—32.
Anderson Hatfield,	J. H. Minor,	

Resolved, That said bill do pass and that the title thereof be as aforesaid, the objections of the Governor to the contrary notwithstanding.

A message was received from the Senate announcing that they had received official information that the Governor had approved a bill which originated in the Senate, entitled:

S. B. 201. An act relating to the appointment of police matrons in cities of the first class.

And that they had passed a bill and adopted resolutions as follows, viz:

S. B. 208. An act to further regulate elections in this Commonwealth.

S. Res. 20. Resolution authorizing suit against the State of Kentucky for certain claims against the State.

S. Res. 21. Resolution for the benefit of Wm. D. Overton and J. K. Dixon.

Ordered that they be referred: The first to the Committee on Suffrage and Elections, the second and third to the Committee on Claims.

And that they had passed the following bills which originated in the House of Representatives, viz:

H. B. 5. An act to prohibit the use, manufacture or sale of cigarettes, and to provide the punishment for its violation.

H. B. 75. An act to amend and re-enact sections 72, 74 and 81 of an act entitled, "An act to provide an efficient system of common schools throughout the State," approved July 6, 1893, the same being sections 4434, 4436 and 4445, of the Kentucky Statutes.

H. B. 376. An act providing for the enlargement of the present-dining room, kitchen and hospital of the Kentucky penitentiary at Frankfort.

A message was received from the Senate announcing that they had passed Senate Bill No. 54, the objection of the Governor to the contrary notwithstanding.

The veto of said bill and said bill were read as follows, viz:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY, March 10, 1898. }

To the Senate of Kentucky:

Gentlemen: I return Senate Bill No. 54 without approval.

Subdivision 3 of section 2, article 1, Constitution of the United States, provides that the first enumeration for appointment of Representatives in Congress shall take place within three years after the first meeting of Congress and within every subsequent term of ten years, in such manner as they may direct.

From time to time since the first apportionment, Congress has enacted laws regulating the same.

In each of them, so far as I have been able to find, there is incorporated the injunction that Representatives in Congress should be elected by "districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants," etc.

In 1890 the General Assembly of Kentucky passed a bill re-apportioning the State into eleven Congressional Districts. Such bills have been passed every ten years since the first apportionment was made, and it was evidently the intention of the law that such legislation should not be indulged in oftener.

It is clear that Congress has the power to lay down the requirement in the various statutes as to how these districts should be apportioned. State Legislatures may designate the

counties but in doing so must observe the rule that the districts shall be composed of contiguous territory and contain as nearly as practicable an equal number of inhabitants.

The act of 1890 was not in conformity to the act of Congress, but no objection was made to it.

The districts apportioned under that act contained the following populations according to the last census: First District 170,530, Second District 174,805, Third District 176,194, Fourth District 185,385, Fifth District 188,598, Sixth District 160,649, Seventh District 141,461, Eighth District 142,626, Ninth District 176,177, Tenth District 147,294, Eleventh District 186,460.

It will be seen that the population of the districts range from 141,467, to 188,598. Owing to the urban character of the Fifth District, which was entitled to but one Congressman. its population may be accounted for; but there is no reason why the difference should be so great between the populations of outlying districts, and it is clear that the United States Statute was violated.

It is apparent that the object of the act of 1890 was not to apportion the State into districts as nearly as practicable equal in the number of inhabitants, but to change the political status and to give the dominant party in the State a representation to which it was not entitled under the act of Congress.

And it is even more apparent that the present bill has in view the same object, the taking of Jackson county from the Eighth District, whose inhabitants number only 142,626 under the last census, and placing it in the Eleventh District, whose inhabitants number 186,460 under the same census, thereby decreasing the population of the Eighth District to 134,410 and increasing the population of the Eleventh to 194,676, can not be contended for a moment, was done in order to make as nearly equal as practicable the number of inhabitants in each district.



And to make the spirit of legislation even plainer if possible, another bill has been since passed, by which the counties of Monroe and Cumberland, with 19,434 inhabitants have been taken from the Third and added to the Eleventh district, while Metcalfe, with a population of 9,871, has been taken from the Eleventh and added to the Third. So that, if both bills should become laws, the population of the Eleventh District will be increased to 204,339, being 69,829 more than the population of the Eighth. Under the apportionment of the act of 1890 the State in 1896 gave a small Republican plurality.

Only four Republican Congressmen were elected, however—a little over one-half of the number elected by the Democrats. This would prima facie indicate that the act of 1890 was not drawn in conformity to the act of Congress. The present bill is a palpable violation of the National law and is doubtless intended to reduce the number of Republican Congressmen to three, thereby inflicting greater injustice than the act of 1890. The effect of the bill is to deny representation to the people of the State through the party of their choice, and override an expressed provision contained in the act of Congress.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the county of Jackson, be and the same is hereby taken from the Eight Congressional District of Kentucky and added to the Eleventh Congressional District, so that the said Eight District shall contain and be composed of the following counties, viz: Anderson, Boyle, Garrard, Jessamine, Lincoln, Madison, Mercer, Rockcastle, Shelby and Spencer.

That the Eleventh Congressional District shall contain and be composed of the following counties, viz: Adair, Bell, Clay,

Clinton, Harlan, Knox, Letcher, Leslie, Laurel, Metcalfe, Owsly, Perry, Pulaski, Russell, Wayne, Whitley, Jackson and Casey.

Sec. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. That this act shall take effect and be in full force within ninety days after the adjournment of the General Assembly.

The question being taken on the passage of said bill, the objection of the Governor to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative were :

M. Abele,	G. W. Hickman,	W. H. Ragland,
Bruce Adkins,	Joseph F. Laufer,	J. S. Robey,
T. H. Armstrong,	John M. Letterle,	S. Atwood Smith,
B. W. Bradburn,	J. M. Lee,	F. G. Shepherd,
A. C. Brown,	J. R. Mallory,	J. A. Small,
George H. Bishop,	J. R. Mount,	O. P. Searcy,
Reuben Conner,	J. J. Marquette,	Miles Spurlock,
A. H. Charlton,	W. J. Mears,	Waller Sharp,
T. W. Clark,	John M. Moore,	G. B. Stout,
W. T. Chilton,	W. H. McKee,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Michael O'Sullivan,	George Traver,
Claude Desha,	L. J. Owen,	L. E. Weatherford,
J. B. Depp,	Harry C. Pulliam,	C. A. Wilson,
W. W. Gill,	E. Petty,	R. E. Watkins,
W. C. Holland,	V. Perkins,	R. C. Walker,

J. A. Humphreys,	A. B. Pieratt,	J. D. Wills,
W. C. G. Hobbs,	L. C. Rawlings,	J. H. Williams—64.
W. B. Henderson,		

Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	E. H. Read,
John Collins,	R. C. Jarnagin,	G. Weissinger Smith,
M. T. Freeman,	D. D. Lykins,	Andrew Sargent,
C. W. Haverly,	Reuben Morris,	W. T. Sharp,
James M. Hall,	R. C. Myers,	H. S. Vanzant,
J. P. Haswell, Jr.,	F. May,	C. B. Wheeler,
Anderson Hatfield,	J. H. Minor,	David Woods—23.
J. A. Ingram,	Chas. F. Ogden,	

Resolved, That said bill do pass and that the title thereof be as aforesaid, the objections of the Governor to the contrary notwithstanding.

The House took from the calendar bills and resolutions of the following titles, viz:

S. B. 176. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

H. B. 412. An act for the identification of criminals.

S. B. 154. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 391. An act to amend section 428 of the Civil Code of Practice.

S. B. 25. An act to amend sections 1, 4, 7, 8 and 10 of an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

H. Res. 14. A resolution for the benefit of Martin Norton, of Louisville, Ky.

H. B. 440. An act to amend an act entitled, "An act relating to courts of justice," approved June 10, 1892.

S. B. 106. An act making it unlawful for any corporation to contribute to campaign funds of any political party, or by promises or threats to influence the vote of any employee of such corporation, and providing penalties.

S. B. 6. An act to provide for the appointment of a clerk to the jury commissioners of counties having a population exceeding one hundred thousand.

S. B. 153. An act equalizing the license tax relating to circuses, menageries or other exhibitions displayed under canvas.

S. B. 152. An act to amend and re-enact section 10, article 1, of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

H. B. 439. An act to amend an act entitled, "An act empowering the county courts of the Commonwealth to authorize the drainage of lands where the same shall be conducive to the public health, convenience or welfare of its inhabitants," approved on July 10, 1893.

S. B. 99. An act to amend section 124 and subsection 4, of section 113, Civil Code of Practice.

H. B. 344. An act relating to public graded schools organized and existing under special charters, extending the powers of the boards of education of such schools and authorizing said boards to issue and sell bonds for the building, repairing, adding to or furnishing school houses.

H. B. 398. An act to amend section 2, article 1, chapter 75, General Statutes, now section 392, chapter 22, Kentucky Statutes.

S. B. 85. An act to prevent discrimination by common carriers in the delivery of newspapers.

S. B. 47. An act to amend and re-enact an act entitled, "An act fixing the time and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, so far the same applies to the twenty-third circuit court district.

H. B. 409. An act to prevent stock from running at large.

H. B. 422. An act to amend section 1454, chapter 41, of the Kentucky Statutes, entitled "Elections."

H. B. 416. An act to amend section 3, of an act entitled, "An act fixing the times and terms of the circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892 (being part of section 965, of Kentucky Statutes,) extending the December term of the Lyon Circuit Court so as to embrace eighteen juridical days. Mr. Gill moved to recommit to Committee on Suffrage and Elections. Adopted.

S. B. 129. An act to amend and re-enact section 6, of article 1, of chapter 210, of the acts of 1891-2-3, entitled "An act concerning juries, and entitled 'Juries,'" approved May 22, 1893, now being section 2246, of chapter 74, of the Kentucky Statutes.

H. B. 383. An act to amend section 59, of article 4, of an act entitled, "An act relating to courts of justice," approved June 10, 1893; also known as section 1085, Kentucky Statutes.

S. B. 176. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

H. B. 352. An act to amend an act entitled, "An act changing the times and terms of the circuit courts in the counties composing the second judicial district of this Commonwealth," approved December 22, 1892.

H. B. 374. An act to amend section 27 of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893.

S. B. 90. An act prohibiting the seining, etc., in lakes and ponds owned by another without his consent, and fixing penalties.

S. B. 21. An act to amend an act approved March 16, 1894, entitled, "An act relating to voluntary assignments."

H. B. 104. An act to regulate the practice of pharmacy in the Commonwealth of Kentucky, and to establish a board of pharmacy, and define the powers and duties thereof.

Said bills were severally read the first time and placed in the orders of the day, except the last named bill, which was referred to the Committee on Suffrage and Elections.

Mr. Stout moved to recommit to the Committee on Public Morals:

S. B. 25. An act to amend sections 1, 4, 7, 8 and 10 of an act entitled, "An act whereby the sense of the people of any connty, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Haswell and Stout, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	L. J. Owen,
J. L. Brown,	Anderson Hatfield,	E. Petty,
W. H. Cole,	J. A. Ingram,	W. C. Pike,
J. C. Cantrill,	J. P. Jeffries,	A. B. Pieratt,
John Collins,	R. C. Jarnagin,	E. H. Read,
J. B. Depp,	J. H. Lackey,	J. S. Robey,
M. T. Freeman,	J. M. Lee,	W. T. Sharp,
W. W. Gill,	Reuben Morris,	Miles Spurlock,
J. S. Hood,	J. R. Mount,	G. B. Stout,
James M. Hall,	John M. Moore,	R. C. Walker.

J. P. Haswell, Jr.,	J. H. Minor,	David Woods,
W. B. Henderson,	W. A. Morris,	Jas. H. Williams—36.

Those who voted in the negative were:

M. Abele,	John M. Letterle,	G. Weissinger Smith,
T. H. Armstrong,	J. R. Mallory,	F. G. Shepherd,
B. W. Bradburn,	J. D. Mocquot,	J. A. Small,
A. C. Brown,	J. J. Marquette,	Andrew Sargent,
Geo. H. Bishop,	W. J. Mears,	O. P. Searcy,
A. Bertram,	R. C. Myers,	Waller Sharp,
A. H. Charlton,	W. H. McKee,	B. F. Saunders,
W. T. Chilton,	F. May,	A. J. Thompson,
W. H. Cooke,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
Claude Desha,	Chas. F. Ogden,	George Traver,
C. W. Haverly,	Michael O'Sullivan,	H. S. Vanzant,
J. A. Humphreys,	Harry C. Pulliam,	L. E. Weatherford,
W. C. G. Hobbs,	V. Perkins,	C. A. Wilson,
John T. Hinton,	L. C. Rawlings,	C. B. Wheeler.
D. D. Lykins,	W. H. Ragland,	R. E. Watkins,
Joseph F. Laufer,	S. Atwood Smith,	J. D. Wills—51.

The House took a recess until 3 o'clock P. M.

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#### AFTERNOON SESSION.

The House met at 3 o'clock, P. M.

Mr. Speaker Beckham in the chair.

The House took from the orders of the day:

S. B. 61. An act concerning the liability of the owners, possessors or operators of railways for the negligence or wrongful acts of servants and fellow-servants.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That whenever any person in the service of the owner, possessor or operator of any railway is injured by the negligence or wrongful act of any other servant of such master then such master shall be liable in damages as in other cases for such injury and for the death of the injured person, if death result from such injury; and in actions to recover such damages it shall not be a defense that the person whose negligence or wrongful act caused the injury or death was a servant or fellow-servant of, or was in the same line or department of service with, the person who was injured or died. All contracts in conflict with this act shall be void.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	S. Atwood Smith,
Bruce Adkins,	J. M. Lee,	F. G. Shepherd,
A. Bertram,	J. R. Mount,	J. A. Small,
Reuben Conner,	J. J. Marquette,	O. P. Searcy,
A. H. Charlton,	John M. Moore,	Miles Spurlock,
T. W. Clark,	W. H. McKee,	G. B. Stout,
W. T. Chilton,	J. Mc. Meloan,	Ham. Shehan,
J. C. Cantrill,	M. F. North,	B. F. Saunders,
J. E. Cahill,	Chas. Aaron Nelson,	A. J. Thompson,
J. Morgan Chinn,	Michael O'Sullivan,	South Trimble,
A. S. Denton,	L. J. Owen,	George Traver,
Claude Desha,	E. Petty,	L. E. Weatherford,
J. B. Depp,	W. C. Pike,	C. A. Wilson,
W. W. Gill,	V. Perkins,	C. B. Wheeler,



W. C. Holland,	A. B. Pieratt,	R. E. Watkins,
J. A. Humphreys,	L. C. Rawlings,	R. C. Walker,
G. W. Hickman,	J. S. Robey,	Jas. H. Williams—51.

Those who voted in the negative were:

T. H. Armstrong,	J. A. Ingram,	Emmett Orr,
B. W. Bradburn,	J. P. Jeffries,	Chas. F. Ogden,
W. H. Cole,	R. C. Jarnagin,	Harry C. Pulliam,
W. H. Cooke,	Joseph F. Laufer,	W. H. Ragland,
John Collins,	J. D. Mocquot,	E. H. Read,
C. W. Haverly,	Reuben Morris,	G. Weissinger Smith,
J. S. Hood,	W. J. Mears,	Andrew Sargent,
James M. Hall,	R. C. Myers,	W. T. Sharp,
John T. Hinton,	F. May,	Waller Sharp,
J. P. Haswell, Jr.,	J. H. Minor,	H. S. Vanzant,
Anderson Hatfield,	W. A. Morris,	David Woods—33.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The Speaker re-appointed Messrs. Nelson, Moore and Ogden as conferees on the part of the House on the differences between the two Houses as to:

H. B. 115. An act to establish a uniform series of text-books to be used in the public schools of this Commonwealth.

A message was received from the Governor announcing that he had approved and signed:

H. B. 11. An act to abolish the office of Register of Land Office and consolidate with the office of Auditor of Public Accounts.

H. B. 90. An act to regulate the repair and building of school houses in this Commonwealth.

The House took from the orders of the day:

S. Res. 8. Resolution for the benefit of circuit court clerks.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz:

Whereas, A few years ago the Legislature of Kentucky passed a law for the benefit of circuit court clerks in this Commonwealth, by which they were allowed a fee of five dollars in each felony case; and,

Whereas, The Court of Appeals, in an opinion handed down a short time ago, declared said act unconstitutional, so far as the clerks in office at the time of the passage of said act were concerned, and believing said law to have been a just one, and that in equity and good conscience it should have applied, and was intended to apply, to all the clerks of the Commonwealth; and,

Whereas, The Auditor of Public Accounts in ordering such clerks as were in office at the time of the passage of said act to turn into the Treasury, all the fees collected under said act: now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Kentucky: That the Auditor of Public Accounts of the State of Kentucky be, and he is hereby, directed to draw his warrant on the Treasury of the State of Kentucky in favor of such clerks as have turned into the Treasury any money collected as aforesaid, for the sum or sums just paid in, and to acquit such clerks as have not paid in, of any claim of the State against them, for any money collected under said act aforesaid.

But this act shall not apply to the circuit clerks of any counties containing a population of forty thousand or more if they have failed to make to the Auditor reports required of them by law, and paid into the Treasury any money due from them.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Ingram,	E. Petty,
Bruce Adkins,	J. P. Jeffries,	W. C. Pike,
T. H. Armstrong,	J. H. Lackey,	V. Perkins,
B. W. Bradburn,	D. D. Lykins,	A. B. Pieratt,
George H. Bishop,	John M. Letterle,	L. C. Rawlings,
A. Bertram,	J. M. Lee,	W. H. Ragland,
W. H. Cole,	J. R. Mallory,	G. Weissinger Smith,
Reuben Conner,	J. D. Mocquot,	F. G. Shepherd,
A. H. Charlton,	J. R. Mount,	J. A. Small,
T. W. Clark,	J. J. Marquette,	W. T. Sharp,
W. T. Chilton,	W. J. Mears,	O. P. Searcy,
W. H. Cooke,	R. C. Myers,	Miles Spurlock,
J. E. Cahill,	John M. Moore,	Waller Sharp,
J. Morgan Chinn,	W. H. McKee,	G. B. Stout,
John Collins,	F. May,	B. F. Saunders,
A. S. Denton,	J. H. Minor,	A. J. Thompson,
Claude Desha,	W. A. Morris,	Frank M. Tracy,
W. W. Gill,	J. Mc: Meloan,	South Trimble,
W. C. Holland,	M. F. North,	H. S. Vanzant,
C. W. Haverly,	Chas. Aaron Nelson,	C. A. Wilson,
J. A. Humphreys,	Emmett Orr,	C. B. Wheeler,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
John T. Hinton,	Michael O'Sullivan,	R. C. Walker,
W. B. Henderson,	L. J. Owen,	David Woods,
G. W. Hickman,	Harry C. Pulliam,	Jas. H. Williams—76.
Anderson Hatfield,		

Those who voted in the negative were:

James M. Hall,	Reuben Morris,	Andrew Sargent—5.
R. C. Jarnagin,	E. H. Read,	

Resolved, That said resolution be adopted and that the title thereof be as aforesaid.

Mr. Letterle, of the Committee on Enrollments, reported

that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, viz:

H. B. 5. An act to prohibit the use, manufacture or sale of cigarettes, and to provide the punishment for its violation.

H. B. 228. An act to amend an act approved June 10, 1893, entitled, "An act relating to courts of justice."

H. B. 105. An act to amend section 950, subdivision 2, article 1, chapter 35, Kentucky Statutes.

And had found the same correctly enrolled.

Said bills were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

S. B. 18. An act to amend sections 127 and 154, of an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

S. B. 56. An act to amend and re-enact chapter 17, of session acts of the General Assembly of the Commonwealth of Kentucky, which became a law May 11, 1897, and to repeal certain designated portions thereof.

S. B. 58. An act to amend an act to appropriate money to erect monuments at Chicamauga and Chattanooga Parks, chapter 24, laws of Kentucky, approved March 17, 1896.

And had found the same correctly enrolled.

Said bills were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

A telegram was read as follows, viz:

WASHINGTON, D. C., March 11, 1898.

Hon. John M. Moore and others, committee on the part of the House:

I am deeply grateful for the honor of your invitation to address the Kentucky Legislature and sincerely regret that the condition of public business prevents my leaving here.

JOSEPH W. BAILEY.

And then the House adjourned.

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SATURDAY, MARCH 12, 1898.

The House was opened with prayer by Rev. Wm. Crowe, of the Southern Presbyterian church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

Mr. Shepherd read and laid on the table the following resolution, viz:

Be it resolved, That in view of the fact that the crying need of the State is good roads and highways; and that

Whereas, The State has a tangible interest in certain pikes and highways; be it

Resolved, That the Speaker of the House appoint a suit-

able committee of competent persons to examine into the best road laws adopted by any State in this Union, and therefrom and their own observations frame a uniform road law to be presented to the next Legislature that will protect the State's interest and at the same time give to the people good roads, one of the greatest blessings of a free and enlightened people.

The committees to which the same had been referred reported bills as follows, viz:

By Mr. Bradburn, from the Committee on Kentucky Statutes:

S. B. 120. An act to amend subsections 1 and 2 of section 20, chapter 4, General Statutes.

With an amendment proposed thereto by the committee.

By Mr. Lee, from the Committee on Military Affairs.

S. B. 207. An act to amend section 53 of an act entitled, "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893.

By Mr. Chilton, from the Committee on Claims.

S. Res. 20. Resolution authorizing suit against the State of Kentucky for certain claims against the State.

By Mr. Mallory, from the Committee on Criminal Law.

S. B. 87. An act to amend sections 149 and 150 of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893, now being section 1279 of chapter 36, of Kentucky Statutes.

S. Res. 21. Resolution for the benefit of Wm. Overton and J. K. Dixon.

Which bills and resolutions were severally read the first time in full, ordered to be printed, placed on the calendar and read the second time on some other day:

The House took from the orders of the day.

S. Res. 2. Resolution providing for the appointment of servants to attend to Senate chamber and hall of the House

of Representatives, fixing their duties and providing for their pay.

Ordered that said resolution be read the third time.

Said resolution was read the third time and rejected as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sergeant-at-arms in the Senate and in the House of Representatives be and they are each hereby authorized to appoint for their respective bodies a servant to act as porter in the Senate and House of Representatives, and the duty of said servants shall be to sweep the floors, and dust the furniture, wash and cleanse the spittoons, light and turn off the gas, carry the records for the clerks, furnish water for use of the members, and do whatever may be necessary, under the direction of the sergeant-at-arms in each body of the General Assembly; to keep Senate chamber, including Senate cloak-room and hall of the House of Representatives, cleanly and in suitable condition for the comfortable and decent use of the members of the General Assembly.

Sec. 2. Said servants are each allowed two dollars and fifty cents per day for their services, same to be allowed and paid upon the certificate of the clerk of each body as the per diem of the members of the General Assembly is certified, allowed and paid.

Sec. 3. Said servants will need their per diem as they earn same to pay board and other necessary expenses, therefore an emergency is declared to exist, and this resolution shall take effect from its adoption.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

T. H. Armstrong,      G. W. Hickman,      W. H. Ragland,

B. W. Bradburn,	Joseph F. Läufer,	G. Weissinger Smith,
George H. Bishop,	J. R. Mallory,	F. G. Shepherd,
W. H. Cooke,	J. D. Mocquot,	O. P. Searcy,
J. C. Cantrill,	John M. Moore,	G. B. Stout,
J. E. Cahill,	W. A. Morris,	Frank M. Tracy,
J. Morgan Chinn,	Michael O'Sullivan,	South Trimble,
Claude Desha,	Harry C. Pulliam,	C. A. Wilson,
W. C. G. Hobbs,	L. C. Rawling,	Jas. H. Williams—28
John T. Hinton,		

Those who voted in the negative were:

Bruce Adkins,	W. B. Henderson,	Chas. F. Ogden,
J. L. Brown,	Anderson Hatfield,	L. J. Owen,
A. Bertram,	J. A. Ingram,	E. Petty,
W. H. Cole,	J. P. Jeffries,	W. C. Pike,
Reuben Conner,	R. C. Jarnagin,	A. B. Pieratt,
A. H. Charlton,	J. H. Lackey,	E. H. Read,
T. W. Clark,	D. D. Lykins,	J. S. Robey,
W. T. Chilton,	J. M. Lee,	J. A. Small,
John Collins,	Reuben Morris,	Miles Spurlock,
J. B. Depp,	J. R. Mount,	Ham. Shehan,
M. T. Freeman,	J. J. Marquette,	A. J. Thompson,
W. W. Gill,	W. J. Mears,	George Traver,
W. C. Holland,	R. C. Myers,	H. S. Vanzant,
C. W. Haverly,	F. May,	L. E. Weatherford,
J. S. Hood,	J. H. Minor,	C. B. Wheeler,
J. A. Humphreys,	J. Mc. Meloan,	R. E. Watkins,
James M. Hall,	M. F. North,	R. C. Walker,
J. H. Hall,	Chas. Aaron Nelson,	David Woods—56.
J. P. Haswell, Jr.,	Emmett Orr,	

So said resolution was rejected.

The House took from the orders of the day:

S. B. 107. An act concerning the assessment and valuation for taxation of corporate franchises and intangible property by cities of the first and second class.



Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Section 1. That the franchise of every incorporated bank, trust company, guarantee or security company, gas, water, ferry, bridge, street railway, express, electric light, electric power, telegraph, press dispatch, telephone, turnpike, palace car, dining car, sleeping car and chair car company and every other like company, corporation, or association, having or exercising any special or exclusive privilege or franchise, not allowed by law to natural persons, or performing any public service, shall hereafter be valued and assessed for city taxes, in the manner hereinafter prescribed by the city assessor in cities of the first and second class, wherein such franchise is exercised, to the extent and in the proportion the same is therein exercised; Provided, however, That no assessment for city taxes shall be made by any assessor or board of valuation and assessment of the franchise of any private business, mercantile, or manufacturing corporation, whose property is not devoted to a public use.

Sec. 2. In order to determine the value of the franchises mentioned or referred to in the next preceding section, the corporations, companies, and associations, therein mentioned or referred to, shall each annually between September 1 and October 1, make and deliver to the assessors of cities of the first and second class, wherein its franchise is exercised, a statement, verified by its president, cashier, secretary, treasurer, manager, or other chief officer or agent, in such form as the city assessor may prescribe, showing the following facts, viz: The name and principal place of business of the corporation, company or association; the kind of business engaged in; the amount of capital stock, preferred and common; the number of shares of each; the amount of stock paid up; the par and

real value thereof; the highest price at which such stock was sold at a bona fide sale within twelve months next before the first day of September of the year in which the statement is required to be made; the amount of surplus fund and undivided profits, and the value of all other assets; the total amount of indebtedness as principal, the amount of gross or net earnings or income, including interest on investments, and incomes from all other sources for twelve months next preceding the first day of September of the year in which the statement is required; the amount and kind of tangible property, and where situated, assessed, or liable to assessment, and the fair cash value thereof, estimated at the price it would bring at a fair voluntary sale, and such other facts as the city assessor may require.

Sec. 3. Where the line or lines of any such corporation, company or association extend beyond the limits of the city, the statement shall, in addition to the other facts hereinbefore required, show the length of the entire lines operated, owned, leased or controlled in the city, and the entire lines operated, owned, leased or controlled elsewhere. If the corporation, company or association operates and conducts its business in other States as well as in this State, the statement shall show the following facts, in addition to the facts hereinbefore required. The gross and net income or earnings received in the city and out of the city on business done in the city, and the entire gross receipts of the corporation, company or association in the city and elsewhere, during the twelve months next before the first day of September of the year in which the assessment is required to be made. In cases where any of the facts above required are impossible to be answered correctly, or will not afford any valuable information in determining the value of the franchises to be taxed, the city assessor may excuse the officer from answering such questions; Provided, That the city assessor, from said statement, and from such other evidence as he may have, if such corporation, company or association be organized under the laws of this State, shall fix the value of the capital stock of the corporation, com-

pany, or association, as provided in the next succeeding section, and from the amount thus fixed shall deduct the assessed value of all tangible property assessed in this State or in the counties where situated. The remainder thus found shall be the value of its corporate franchise subject to taxation as aforesaid.

Sec. 4. If the corporation, company or association be organized under the laws of any other State or government, except as provided in the next section, the city assessor shall fix the value of the capital stock as hereinbefore provided, and will determine from the amount of the gross receipts of such corporation, company or association in the city and elsewhere, the proportion which the gross receipts in the city, within twelve months next before the first day of September of the year in which the assessment was made, bears to the entire gross receipts of the company; the same proportion of the value of the entire capital stock, less the assessed value of tangible property assessed, or liable to assessment, shall be the correct value of the corporate franchise of such corporation, company or association for taxation in the city.

Sec. 5. If the corporation organized under the laws of this State or of some other State or government be a street railway, telegraph, telephone, express, sleeping, dining, palace or chair car company, the lines of which extend beyond the limits of the city, the city assessor will fix the value of the capital stock as hereinbefore provided, and that proportion of the value of the capital stock, which the length of the lines operated, owned, leased or controlled in the city, bears to the total length of the lines owned, leased or controlled in the city and elsewhere, shall be the value of the corporate franchise of such corporation liable to taxation in the city; and such corporate franchise shall be liable to taxation in each city of the first class, through, or into which such lines pass, or are operated, in same proportion that the length of the line in such city bears to the whole length of lines elsewhere.

Sec. 6. Whenever any person or association of persons, not being a corporation, nor having capital stock, shall, in this State, engage in the business of any of the corporations mentioned and made subject to assessment in the first section of this act, then the capital and property, or the certificates or other evidences of the right or interests of the holders thereof in the business or capital and property employed therein, shall be deemed and treated as the capital stock of such person or association of persons for the purposes of taxation, and all other purposes, under this act, in like manner as if such person or association of persons were a corporation.

Sec. 7. It shall be the duty of the city assessor, immediately after fixing such values, to notify the corporations, companies or associations of the fact; and all such corporations, companies, or associations shall have at least ten days from the time of receiving such notice to go before the board of equalization of the city and ask a change of the valuation, and may introduce evidence, and the chairman of said board is hereby authorized to summon and swear witnesses, and after hearing such evidence, the said board may change the valuation as it may deem proper, and the action of said board shall be final.

Sec. 8. The city assessor shall make out and authenticate the tax bills on the assessments of franchises, as provided in this act, as well as on all assessments hereafter made by the board of valuation and assessments which shall have the same effect as tax bills made out and authenticated by him on assessments of other property, and shall list the same with the tax receiver for collection, and said tax bills shall be due and payable at the same time, subject to the same discounts and penalties, and be collectible by distraint, garnishment, and suit, as now provided by law with respect to other tax bills due the city.

Sec. 9. Any corporation, or officer thereof, willfully failing or refusing to make reports as required by this act, shall be

deemed guilty of a misdemeanor, and for each offense shall be fined one hundred dollars, and five dollars for each day the same is not made after October 1 of each year, to be recovered by indictment or civil action, in the name of the city, in the circuit court of the county in which such city is situated.

Sec. 10. The individual stockholders of the corporation, which is by this act required to report and pay city taxes upon the corporate franchise, shall not be required to list their shares in such corporation so long as the corporation pays the city taxes on the corporate property and franchises as herein provided.

Sec. 11. Should any corporation required to make the report, as hereinbefore provided, be in the hands of or under the control of a receiver, or other person, it shall be the duty of such receiver or other person to make the returns and valuations as required by this act.

Sec. 12. Should any corporation, company, or association, fail to make the report as required herein, on or before the first day of October of each year, the city assessor shall proceed to ascertain the facts and values as required by this act, in such manner and by such means as he deems proper, at the cost of the corporation, company or association failing to make the report, and shall fix the values of the corporate franchise liable for taxation, as provided in this act, and the corporation, company, or association shall be taxed accordingly.

Sec. 13. This act shall not apply to railroad or other corporations required by law to be assessed by the Railroad Commission,

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. A. Ingram,	W. H. Ragland,
J. L. Brown,	J. P. Jeffries,	E. H. Read,

George H. Bishop,	R. C. Jarnagin,	J. S. Robey,
A. Bertram,	Joseph F. Laufer,	G. Weissinger Smith,
W. H. Cole,	J. M. Lee,	F. G. Shepherd,
Reuben Conner,	J. R. Mallory,	J. A. Small,
A. H. Charlton,	J. D. Mocquot,	Andrew Sargent,
T. W. Clark,	Reuben Morris,	O. P. Searcy,
W. H. Cooke,	J. R. Mount,	Miles Spurlock,
J. C. Cantrill,	J. J. Marquette,	Waller Sharp,
J. E. Cahill,	W. J. Mears,	G. B. Stout,
J. Morgan Chinn,	F. May,	Ham. Shehan,
A. S. Denton,	J. H. Minor,	B. F. Saunders,
Claude Desha,	J. Mc. Meloan,	Frank M. Tracy,
J. B. Depp,	M. F. North,	South Trimble,
W. W. Gill,	Chas. Aaron Nelson,	H. S. Vanzant,
W. C. Holland,	Emmett Orr,	L. E. Weatherford,
C. W. Haverly,	Chas. F. Ogden,	C. A. Wilson,
J. S. Hood,	Michael O'Sullivan,	C. B. Wheeler,
W. C. G. Hobbs,	L. J. Owen,	R. E. Watkins,
John T. Hinton,	Harry C. Pulliam,	R. C. Walker,
J. P. Haswell, Jr.,	E. Petty,	David Woods,
W. B. Henderson,	A. B. Pieratt,	Jas. H. Williams-71.
G. W. Hickman,	L. C. Rawlings,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the clerk's desk:

H. B. 363. An act to amend an act entitled, "An act for the government of cities of the first class."

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill as amended was passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Jeffries,	L. C. Rawlings,
George H. Bishop,	R. C. Jarnagin,	W. H. Ragland,
A. Bertram,	D. D. Lykins,	E. H. Read,
W. H. Cole,	Joseph F. Laufer,	J. S. Robey,
Reuben Conner,	J. M. Lee,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mallory,	F. G. Shepherd,
T. W. Clark,	J. D. Mocquot,	J. A. Small,
W. H. Cooke,	Reuben Morris,	O. P. Searcy,
J. C. Cantrill,	J. R. Mount,	Miles Spurlock,
J. E. Cahill,	J. J. Marquette,	Waller Sharp,
A. S. Denton,	W. J. Mears,	Ham. Shehan,
Claude Desha,	John M. Moore,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	A. J. Thompson,
W. W. Gill,	W. A. Morris,	Frank M. Tracy,
W. C. Holland,	J. McMeloan,	South Trimble,
J. S. Hood,	M. F. North,	George Traver,
J. H. Hall,	Chas. Aaron Nelson,	H. S. Vanzant,
John T. Hinton,	Chas. F. Ogden,	L. E. Weatherford,
J. P. Haswell, Jr.,	L. J. Owen,	C. A. Wilson,
W. B. Henderson,	Harry C. Pulliam,	C. B. Wheeler,
G. W. Hickman,	E. Petty,	R. E. Watkins,
Anderson Hatfield,	V. Perkins,	R. C. Walker,
J. A. Ingram,	A. B. Pieratt,	David Woods—69.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the clerk's desk:

H. B. 320. An act to change the assignment of the cities of Madisonville, Hopkins county, and Princeton, Caldwell county, from the fifth class to the fourth class, and Providence, Webster county, and Sebree City, Webster county, from the sixth to the fifth class, and to amend and re-enact an

act entitled, "An act to assign cities and towns to the classes to which they belong."

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill as amended was passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	R. C. Jarnagin,	W. H. Ragland,
B. W. Bradburn,	J. H. Lackey,	E. H. Read,
J. L. Brown,	Joseph F. Laufer,	J. S. Robey,
George H. Bishop,	J. M. Lee,	G. Weissinger Smith,
A. Bertram,	J. R. Mallory,	F. G. Shepherd,
W. H. Cole,	J. D. Mocquot,	J. A. Smali,
A. H. Charlton,	Reuben Morris,	Andrew Sargent.
W. W. Combs,	J. R. Mount,	W. T. Sharp,
T. W. Clark,	W. J. Mears,	O. P. Searcy,
W. H. Cooke,	R. C. Myers,	Miles Spurlock,
J. C. Cantrill,	John M. Moore,	Waller Sharp,
J. E. Cahill,	F. May,	Ham. Shehan,
A. S. Denton,	J. H. Minor,	B. F. Saunders,
Claude Desha,	W. A. Morris,	A. J. Thompson,
W. C. Holland.	J. Mc. Meloan,	Frank M. Tracy,
C. W. Haverly,	M. F. North,	South Trimble,
W. C. G. Hobbs,	Chas. Aaron Nelson,	George Traver,
John T. Hinton,	Chas. F. Ogden,	L. E. Weatherford.
J. P. Haswell, Jr.,	L. J. Owen,	C. B. Wheeler,
W. B. Henderson,	Harry C. Pulliam,	R. E. Watkins,
G. W. Hickman,	V. Perkins,	R. C. Walker,
J. A. Ingram,	A. B. Pieratt,	David Woods,
J. P. Jeffries,	L. C. Rawlings,	Jas. H. Williams-69.

Those who voted in the negative were:

John Collins—1.



Resolved, That said bill do pass and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed bills which originated in the House of Representatives of the following titles, viz:

H. B. 126. An act to allow towns where no registration is required to hold separate elections.

H. B. 284. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

H. B. 402. An act for the benefit of Lakeland Asylum.

H. B. 296. An act to amend an act entitled, "An act relating to fees," approved June 19, 1893, being chapter 47 of Kentucky Statutes.

H. B. 142. An act requiring the appointment of at least one woman physician in certain institutions in this Commonwealth.

H. B. 212. An act to make gold and silver coin of the United States legal tender in the payment of all debts, and to prohibit the making of contracts for the payment of money in any other currency than the general legal tender of the United States.

H. H. 317. An act providing for the enlargement of the electric plant at the penitentiary at Frankfort, and making appropriation therefor.

H. B. 454. An act to repeal an act entitled, "An act to provide for the erection of school buildings in common school district No. 1 in the town of Hawesville," approved March 28, 1873.

H. B. 363. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 434. An act to provide for county police in certain counties.

H. B. 356. An act to amend and re-enact an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, and to repeal certain sections of said act.

That they had disagreed to bills as follows, viz;

H. B. 52. An act defining embezzlement and providing a penalty therefor.

H. B. 69. An act to amend article 15, chapter 47, subsection 1, section 1749 of Kentucky Statutes.

That they had passed over the Governor's veto:

H. B. 172. An act to regulate the business of foreign corporations.

A message was received from the Senate announcing that they had passed:

S. B. 194. An act changing the boundaries of the Third and Eleventh Congressional Districts.

The objections of the Governor to the contrary notwithstanding.

Said objections and bill were read in full as follows, viz:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., March 12, 1898. }

To the Senate of Kentucky:

Gentlemen: I return Senate Bill No. 194 without approval.

Subdivision 5 of section 2, article 1, Constitution of the United States, provides that the first enumeration for apportionment of Representatives in Congress shall take place within three years after the first meeting of Congress and within every subsequent term of ten years, in such manner as they direct.

From time to time, since the first apportionment Congress has enacted laws regulating the same.

In each of these, so far as I have been able to find, there is incorporated the injunction that Representatives in Congress

should be elected by "districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants," etc.

In 1890 the General Assembly of Kentucky passed a bill reapportioning the State into eleven Congressional districts. Such bills have been passed every ten years since the first apportionment was made, and it was evidently the intention of the law that such legislation should not be indulged in oftener.

It is clear that Congress has the power to lay down the requirement in the various statutes as to how these districts shall be apportioned. State Legislatures may designate the counties but in doing so must observe the rule that the districts shall be composed of contiguous territory and contain as nearly as practicable an equal number of inhabitants.

The act of 1890 was not in conformity to the act of Congress, but no objection was made to it.

The districts apportioned under that act contained the following populations according to the last census:

First District, 170,530; Second District, 174,805; Third District, 175,194; Fourth District, 185,385; Fifth District, 188,598; Sixth District, 160,649; Seventh District, 141,461; Eighth District, 142,626; Ninth District, 176,177; Tenth District, 147,294; Eleventh District, 186,460.

It will be seen that the populations of the districts range from 141,461 to 188,598. Owing to the urban character of the Fifth District, which was not entitled to but one Congressman, its population may be accounted for, but there is no reason why the difference should be so great between the populations of the outlying districts, and it is clear that the United States Statute was violated by the act of 1890.

It is apparent that the object of that act was, not to apportion the State into districts as nearly as practicable equal in the number of inhabitants, but to change the political status.

and give the dominant party in the State a representation to which it was not entitled under the act of Congress. And it is even more apparent that the present bill has in view the same object. The taking of Monroe and Cumberland counties from the Third District, whose inhabitants number only 176,194 and placing them in the Eleventh District, whose inhabitants number 186,460 and taking from the Eleventh District the county of Metcalfe and placing it in the Third District, thereby decreasing the population of the Third District to 169,631 and increasing the population of the Eleventh District to 196,023, can not be contended for a moment, was done in order to make as nearly equal as practicable the number of inhabitants in each district.

And to make the spirit of legislation even plainer, if possible, another bill has been passed at the present session by which the county of Jackson, with 8,216 inhabitants has been added to the Eleventh District, increasing the number of its inhabitants to 204,239, and reducing the number of inhabitants in the Eighth District to 134,410.

Under the apportionment of the act of 1890 the State in 1896 gave a small Republican plurality, only four Republican Congressmen were elected—a little over one-half the number elected by the Democrats. This would *prima facie* indicate that the act of 1890 was not drawn in conformity to the act of Congress. The act under consideration, however, does not leave in doubt the purpose to curtail Republican representation in Congress.

The effect of the bill is to deny representation to the people of the State through the party of their choice, and overrides an express provision contained in the act of Congress.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1 That the counties of Cumberland and Monroe be and they are hereby taken from the Third Congressional District and added to, included in and made a part of the Eleventh Congressional District and that the county of Metcalfe be and is hereby taken from the Eleventh Congressional District and added to, included in and made a part of the Third Congressional District, and all laws in conflict with the provisions of this act are hereby repealed.

The question being then taken on the passage of said bill, the objections of the Governor to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. C. G. Hobbs,	A. B. Pieratt,
T. H. Armstrong,	John T. Hinton,	L. C. Rawlings,
B. W. Bradburn,	W. B. Henderson,	W. H. Ragland,
J. L. Brown,	G. W. Hickman,	J. S. Robey,
Geo. H. Bishop,	Joseph F. Laufer,	F. G. Shepherd,
W. H. Cole,	J. M. Lee,	J. A. Small,
Reuben Conner,	J. R. Mallory,	O. P. Searcy,
A. H. Charlton,	J. D. Mocquot,	Miles Spurlock,
W. W. Combs,	J. R. Mount,	Waller Sharp,
T. W. Clark,	J. J. Marquette,	G. B. Stout,
W. T. Chilton,	W. J. Mears,	Ham. Shehan,
W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. C. Cantrill,	W. A. Morris,	A. J. Thompson,
J. E. Cahill,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	M. F. North,	South Trimble,
A. S. Denton,	Chas. Aaron Nelson,	George Traver,
Claude Desha,	Emmett Orr,	L. E. Weatherford,

J. B. Depp,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	E. Petty,	R. E. Watkins,
W. C. Holland,	W. C. Pike,	R. C. Walker,
J. A. Humphreys,	V. Perkins,	Jas. H. Williams-63.

Those who voted in the negative were:

John Collins,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	G. Weissinger Smith,
C. W. Haverly,	Reuben Morris,	Andrew Sargent,
J. S. Hood,	R. C. Myers,	H. S. Vanzant,
James M. Hall,	F. May,	C. B. Wheeler,
J. P. Haswell, Jr.,	J. H. Minor,	David Woods-20.
J. A. Ingram,	Chas. F. Ogden,	

Resolved, That said bill do pass, the objections of the Governor to the contrary notwithstanding.

The House took from the orders of the day:

S. Res. 16. Resolution authorizing suit against the State of Kentucky for certain indebtedness incurred by the State militia.

Ordered that said bill be read the third time.

Said resolution was read the third time and adopted as follows, viz:

Whereas, D. L. Haly, W. L. Pence, W. A. Howard, Dehoney & Graham, Sower & Ahler, Frank Hoff, H. T. Gaines and others hold claims against the State of Kentucky for supplies furnished and labor contracted for during the encampment of the State militia at Frankfort in 1891, said claims aggregating twenty-two hundred dollars; now therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That said parties be and they are hereby authorized to institute suit upon said claims against the Commonwealth in the Franklin Circuit Court.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz;

Those who voted in the affirmative were:

Bruce Adkins,	John T. Hinton,	L. C. Rawlings,
T. H. Armstrong,	W. B. Henderson,	W. H. Ragland,
B. W. Bradburn,	G. W. Hickman,	G. Weissinger Smith,
Geo. H. Bishop,	J. H. Lackey,	F. G. Shepherd,
A. H. Charlton,	Joseph F. Laufer,	J. A. Small,
W. W. Combs,	J. M. Lee,	O. P. Searcy,
T. W. Clark,	J. R. Mallory,	Miles Spurlock,
W. T. Chilton,	J. D. Mocquot,	Waller Sharp,
W. H. Cooke,	J. R. Mount,	G. B. Stout,
J. C. Cantrill,	J. J. Marquette,	B. F. Saunders,
J. Morgan Chinn,	W. J. Mears,	Frank M. Tracy,
A. S. Denton,	John M. Moore,	South Trimble,
Claude Desha,	W. A. Morris,	George Traver,
J. B. Depp,	M. F. North,	C. A. Wilson,
W. C. Holland,	Chas. F. Ogden,	C. B. Wheeler,
C. W. Haverly,	Harry C. Pulliam,	R. C. Walker,
J. A. Humphreys,	E. Petty,	David Woods,
W. C. G. Hobbs,	V. Perkins,	Jas. H. Williams-54.

Those who voted in the negative were:

Reuben Connor,	D. D. Lykins,	W. C. Pike,
J. E. Cahill,	Reuben Morris,	A. B. Pieratt,
John Collins,	F. May,	E. H. Read,
James M. Hall,	J. H. Minor,	Ham. Shehan,
J. H. Hall,	J. Mc. Meloan,	A. J. Thompson,
J. P. Haswell, Jr.,	Chas. Aaron Nelson,	H. S. Vanzant,
J. P. Jeffries,	L. J. Owen,	L. E. Weatherford-22
R. C. Jarnagin,		

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. B. 2. An act to repeal an act entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate." approved March 17, 1896.

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill as amended was passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	John T. Hinton,	A. B. Pieratt,
T. H. Armstrong,	W. B. Henderson,	L. C. Rawlings,
B. W. Bradburn,	G. W. Hickman,	W. H. Ragland,
J. L. Brown,	J. H. Lackey,	E. H. Read,
Reuben Conner,	Joseph F. Laufer,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
W. W. Combs,	J. R. Mallory,	J. A. Small,
T. W. Clark,	J. R. Mount,	O. P. Searcy,
W. T. Chilton,	J. J. Marquette,	Miles Spurlock,
W. H. Cooke,	W. J. Mears,	Waller Sharp,
J. C. Cantrill,	R. C. Myers,	Ham. Shehan,
J. E. Cahill,	John M. Moore,	B. F. Saunders,
A. S. Denton,	J. Mc. Meloan,	A. J. Thompson,
J. B. Depp,	M. F. North,	George Traver,
W. C. Holland,	Chas. Aaron Nelson,	L. E. Weatherford.
C. W. Haverly,	Emmett Orr,	C. A. Wilson,
J. S. Hood,	Chas. F. Ogden,	C. B. Wheeler,
J. A. Humphreys,	L. J. Owen,	R. E. Watkins,
W. C. G. Hobbs,	Harry C. Pulliam,	R. C. Walker,
J. H. Hall,	E. Petty,	Jas. H. Williams-60.

Those who voted in the negative were:

D. D. Lykins,	F. May,	Andrew Sargent-4.
Reuben Morris,		



Resolved, That said bill do pass and that the title thereof be as follows, viz:

An act to amend sections 1 and 2 of an act approved March 17, 1896, entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate."

The House took from the orders of the day:

S. B. 176. An act to amend an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 88, of article 4, of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, the Governor not having signed or returned same to the House in which it originated within the time prescribed by the Constitution, be and the same is hereby amended and re-enacted as follows, to-wit: By striking out the words "within the State of Kentucky," from the fourth line of said section, and by striking out the words "but the current market value of such bonds and stocks or other evidence of indebtedness excepting United States Government securities, shall be at all times during the continuance of such loans at least twenty per cent. more than the sum loaned thereon," from the twenty-eighth, twenty-ninth, thirtieth, thirty-first and thirty-second lines thereof; and said section as amended is re-enacted so as to read:

"The capital stock and accumulation of all insurance corporations may be invested in bonds and mortgages, lien notes or deeds of trust, or unencumbered real estate worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured, and the policy transferred to said company, and continued in force so long as the loan con-

tinues; and, also, in the bonds of this State or of any other State of the United States, or in the bonds of the United States, and, also, in the bonds of any county or incorporated city or town of this State authorized to be issued by the Legislature; and, also, in the stocks of incorporated bank and trust companies of this State, and of National banks of this State, or of other States, and in the first mortgage bonds of railroads of this and other States, bonds or stocks of any bridge, water, street railroad, gas or electric corporation of this State which have for two years previous to the time of making the investment paid interest or dividends of not less than four per centum per annum, and shall have a market value not more than twenty per cent. below par; and to lend the same or any part thereof, on the security of such bonds and stocks, or of bonds and mortgages and deeds of trust as aforesaid; and to change and reinvest the same as occasion may from time to time require; and in all investments made upon mortgage securities the evidence of the debt and the value of the debt and the value of the property shall accompany the mortgage. No insurance company shall own more than one-fourth of the capital of any bank or corporation, nor invest in, nor loan on the stocks and bonds, both included, of any one railroad company, more than one-tenth of its own capital and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-fifth of its capital and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-fifth of its capital and accumulated funds, nor shall the loans on mortgages of real estate, exclusive of lien notes, exceed three-fourths of the capital and accumulated funds of any company organized under the laws of this Commonwealth. Insurance companies chartered by this State, and now doing business shall not be compelled to change any investment heretofore legally made."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

## Those who voted in the affirmative were:

T. H. Armstrong,	R. C. Jarnagin,	E. Petty,
B. W. Bradburn.	J. H. Lackey,	A. B. Pieratt,
George H. Bishop,	D. D. Lykins,	L. C. Rawlings,
A. H. Charlton,	Joseph F. Laufer,	W. H. Ragland,
W. W. Combs,	J. M. Lee,	E. H. Read,
T. W. Clark,	J. R. Mallory,	J. S. Robey,
W. T. Chilton,	J. D. Mocquot,	G. Weissinger Smith,
W. H. Cooke,	J. R. Mount,	F. G. Shepherd,
J. E. Cahill,	J. J. Marquette,	Andrew Sargent,
J. Morgan Chinn,	W. J. Mears,	O. P. Searcy,
A. S. Denton,	R. C. Myers,	Miles Spurlock,
Claude Desha,	John M. Moore,	Waller Sharp,
J. B. Depp,	F. May,	G. B. Stout,
W. C. Holland,	J. H. Minor,	Ham. Shehan,
C. W. Haverly,	W. A. Morris,	A. J. Thompson,
J. A. Humphreys,	J. Mc. Meloan,	Frank M. Tracy,
W. C. G. Hobbs,	M. F. North,	South Trimble,
John T. Hinton,	Chas. Aaron Nelson,	George Traver,
J. P. Haswell, Jr.,	Emmett Orr,	L. E. Weatherford,
W. B. Henderson,	Chas. F. Ogden,	C. B. Wheeler,
G. W. Hickman,	Michael O'Sullivan,	R. E. Watkins,
Anderson Hatfield,	L. J. Owen,	R. C. Walker—68.
J. P. Jeffries,	Harry C. Pulliam,	

## Those who voted in the negative were:

Bruce Adkins,	Reuben Morris,	B. F. Saunders,
James M. Hall,	J. A. Small,	Jas. H. Williams—7.
J. H. Hall,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed:

H. B. 248. An act to provide for the creation and government of suburban districts.

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill as amended was then passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	Joseph F. Laufer,	E. H. Read,
Geo. H. Bishop,	J. M. Lee,	G. Weissinger Smith.
Reuben Connor,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. D. Mocquot,	J. A. Small,
T. W. Clark,	J. R. Mount,	Andrew Sargent,
W. T. Chilton,	J. J. Marquette,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Miles Spurlock,
J. C. Cantrill,	John M. Moore,	Waller Sharp,
J. E. Cahill,	J. H. Minor,	G. B. Stout,
J. Morgan Chinn,	W. A. Morris,	Ham. Shehan,
A. S. Denton,	J. Mc. Meloan,	B. F. Saunders,
Claude Desha,	M. F. North,	A. J. Thompson,
J. B. Depp,	Chas. Aaron Nelson,	Frank M. Tracy,
W. C. Holland,	Michael O'Sullivan.	South Trimble.
J. A. Humphreys,	L. J. Owen,	George Traver,
W. C. G. Hobbs,	Harry C. Pulliam,	L. E. Weatherford.
John T. Hinton,	E. Petty,	C. A. Wilson,
J. P. Haswell, Jr.,	W. C. Pike,	C. B. Wheeler,
W. B. Henderson,	A. B. Pieratt,	R. E. Watkins,
G. W. Hickman,	L. C. Rawlings,	R. C. Walker,
Anderson Hatfield,	W. H. Ragland,	Jas. H. Williams-64.
J. H. Lackey,		

Those who voted in the negative were:

J. P. Jeffries,	D. D. Lykins,	W. T. Sharp-5.
R. C. Jarnagin,	Reuben Morris,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 56. An act to amend and re-enact an act approved March 19, 1894, for governing cities of the second class.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, The General Assembly of the Commonwealth of Kentucky, in the act aforesaid, and in article 6 and section 1 thereof, did provide that police judges of the courts therein should receive for their services such salary as the general council might fix by ordinance, and that said judge should receive no compensation from any other source; and, whereas, the Auditor of Public Accounts is construing said section as denying to said judges the fees allowed by general law for holding examining courts in felony cases, when such was not the intention of the General Assembly in the act aforesaid. Now, therefore, to remove such doubt and allow present incumbents in said offices of police judges in cities of the second class to have the same fees for holding examining courts as allowed other officers in the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 1 of article 6, of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "An act for the government of cities of the second class," approved March 19, 1894, be amended by adding after the words, "another source," in the seventh line of said section, the words, "except such fees as are allowed by general law to officers for holding examining trials in felony cases," and by striking out all of said section after the words "four years," in the tenth line thereof, and substituting in lieu thereof the words: "The provisions and benefits of this section shall apply to police judges elected in November, 1897," so that said section as amended shall read:

"There shall be established in and for each city of the second class, a court to be called the police court, to be presided over by one judge, to be elected as hereinafter provided, who shall receive for his services such salary as the general council shall fix by ordinance, and said judge shall not receive any other compensation from any source except such fees as are allowed by general law to officers for holding examining trials in felony cases. No person shall be eligible to the office of police judge who, at the time of his election, is not 25 years of age and a resident of the city for four years. The provisions and benefits of this act shall apply to police judges elected in November, 1897. Inasmuch as the Auditor of Public Accounts, under a misapprehension of the intent and meaning of the act aforesaid, is now withholding the fees allowed said judges in felony cases, an emergency is declared to exist, and this act shall take effect from its approval by the Governor."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	L. C. Rawlings,
B. W. Bradburn,	G. W. Hickman,	W. H. Ragland,
J. L. Brown,	Anderson Hatfield,	E. H. Read,
A. Bertram,	D. D. Lykins,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
W. W. Combs,	J. R. Mallory,	F. G. Shepherd,
T. W. Clark,	J. D. Mocquot,	J. A. Small,
W. T. Chilton,	J. J. Marquette,	W. T. Sharp,
W. H. Cooke,	W. J. Mears,	O. P. Searcy,
J. C. Cantrill,	John M. Moore,	Miles Spurlock,
J. E. Cahill,	J. H. Minor,	G. B. Stout,
J. Morgan Chinn,	W. A. Morris,	Ham. Shehan,
A. S. Denton,	M. F. North,	B. F. Saunders,
Claude Desha,	Emmett Orr,	Frank M. Tracy,

J. B. Depp,	Chas. F. Ogden,	L. E. Weatherford,
M. T. Freeman,	Michael O'Sullivan,	C. A. Wilson,
W. W. Gill,	L. J. Owen,	C. B. Wheeler,
W. C. Holland,	Harry C. Pulliam,	R. E. Watkins,
J. A. Humphreys,	W. C. Pike,	R. C. Walker,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams—61.
John T. Hinton,		

Those who voted in the negative were:

J. P. Haswell, Jr.,	F. May,	Chas. Aaron Nelson,
J. P. Jeffries,	Reuben Morris,	H. S. Vanzant—6.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The committee on rules moved to call from the orders of the day:

S. B. 174. An act to prevent railroad corporations and other common carriers from delivering to or receiving from any connecting carrier, goods or freight at less freight charges than it charges or receives from other common carriers or persons for same or like service, and to prevent such railroad or common carrier companies from delivering goods or freight to any connecting carrier in violation of the orders and direction of owners and consignees, and prescribing penalties therefor.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Weatherford and Pulliam, were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. C. G. Hobbs,	W. H. Ragland,
J. L. Brown,	G. W. Hickman,	G. Weissinger Smith,
A. Bertram,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	J. R. Mount,	J. A. Small,
W. T. Chilton,	W. J. Mears,	O. P. Searcy,

W. H. Cooke,	W. A. Morris,	Miles Spurlock,
J. C. Cantrill,	M. F. North,	G. B. Stout,
J. E. Cahill,	Chas. Aaron Nelson,	B. F. Saunders,
J. Morgan Chinn,	L. J. Owen,	Frank M. Tracy,
A. S. Denton,	W. C. Pike,	C. B. Wheeler,
Claude Desha,	A. B. Pieratt,	R. E. Watkins,
J. A. Humphreys,	L. C. Rawlings,	Jas. H. Williams—36.

Those who voted in the negative were:

T. H. Armstrong,	J. H. Lackey,	E. H. Read,
A. H. Charlton,	D. D. Lykins,	J. S. Robey,
W. W. Combs,	Joseph F. Laufer,	Andrew Sargent,
John Collins,	J. R. Mallory,	W. T. Sharp,
J. B. Depp,	J. D. Mocquot,	Waller Sharp,
M. T. Freeman,	Reuben Morris,	Ham. Shehan,
W. W. Gill,	R. C. Myers,	A. J. Thompson,
W. C. Holland,	John M. Moore,	South Trimble,
James M. Hall,	F. May,	George Traver,
J. H. Hall,	J. H. Minor,	H. S. Vanzant,
John T. Hinton,	J. Mc. Meloan,	L. E. Weatherford,
W. B. Henderson,	Chas. F. Ogden,	R. C. Walker,
J. P. Jeffries,	Michael O'Sullivan,	David Woods—41.
R. C. Jarnagin,	Harry C. Pulliam,	

The House took from the orders of the day:

H. B. 82. An act to repeal in part chapter 1069 of acts of 1867, approved January 22, 1867.

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill was passed as amended.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:



Those who voted in the affirmative were:

Bruce Adkins,	G. W. Hickman,	L. C. Rawlings,
J. L. Brown,	J. H. Lackey,	W. H. Ragland,
Reuben Conner,	D. D. Lykins,	E. H. Read,
A. H. Charlton,	Joseph F. Laufer,	G. Weissinger Smith,
W. W. Combs,	J. M. Lee,	F. G. Shepherd,
T. W. Clark,	J. R. Mallory,	J. A. Small,
W. T. Chilton,	J. D. Mocquot,	Andrew Sargent,
J. C. Cantrill,	Reuben Morris,	O. P. Searcy,
J. E. Cahill,	J. R. Mount,	Miles Spurlock,
J. Morgan Chinn,	W. J. Mears,	Waller Sharp,
A. S. Denton,	J. H. Minor,	G. B. Stout,
Claude Desha,	W. A. Morris,	Ham. Shehan,
J. B. Depp,	J. Mc. Meloan,	A. J. Thompson,
W. W. Gill,	M. F. North,	George Traver,
J. A. Humphreys,	Chas. Aaron Nelson,	L. E. Weatherford,
W. C. G. Hobbs,	Michael O'Sullivan,	R. E. Watkins,
John T. Hinton,	L. J. Owen,	R. C. Walker,
J. P. Haswell, Jr.,	A. B. Pieratt,	Jas. H. Williams—55.
W. B. Henderson,		

Those who voted in the negative were:

F. May, Frank M. Tracy—2.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 159. An act to authorize the board of trustees of the Henderson high school to transfer and convey its school building and lot and all other property to the board of education of the city of Henderson, and to admit pupils from Henderson county to high school to be established by the board of education of the city of Henderson, and to repeal an act entitled, "An act to amend an act entitled, 'An act to organize and establish a system of public schools in the city of Henderson,'" approved March 10, 1873.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, That the board of education of the city of Henderson desires to organize and establish a free high school for said city; and whereas a high school is now being operated in said city, under the management of the board of trustees of the Henderson high school; said high school being supported and maintained by tuition, supplemented by the interest on a fund of about seven thousand dollars, which came into the possession of said board of trustees from the old Henderson academy. Said high school board also owns its buildings and grounds together with said fund, but it owns no other property except a house and lot conveyed it by John Craig, same being in the city of Henderson, Ky. When the board of education for the city of Henderson establishes a free high school for the city, the funds of the present high school board will not be sufficient to operate or maintain a high school; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the board of trustees of the Henderson high school are hereby authorized and directed to sell, transfer and convey all of its property, including the buildings and lots owned by it in the city of Henderson, Kentucky, to the board of education of the city of Henderson, Kentucky. In consideration of the transfer and conveyance of the property aforesaid, the county of Henderson, outside of the incorporated boundary of the city of Henderson, is hereby authorized and given the right to send twelve pupils free of charge or tuition to the high school to be established by said board of education of the city of Henderson, but not more than two pupils shall be sent from any one magisterial district; said pupils to be selected by the board of magistrates of Henderson county, and must be competent and qualified to enter said high school, and must conform and be subservient to such rules and regulations

as may be prescribed for such high school, by the said board of education, or those having authority to control it. The said conveyance shall be executed by the chairman of the board and its secretary and a majority of the trustees of said high school board.

Sec. 2. The said board of trustees are directed, out of any funds on hand or that may come to its hands, to pay any debt or liability it may owe or incur, and to make up any deficiency in the payment of salaries to teachers or janitor or any other current expenses incurred in operating or maintaining said high school, or in disposing of the said property and distributing the funds.

Sec. 3. The high school as established and now existing under the act entitled, "An act to amend an act entitled, 'An act to organize and establish a system of public schools in the city of Henderson,'" approved March 10, 1873, is herein abolished and said act is herein repealed.

Sec. 4. This act shall take effect and become operative from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

T. H. Armstrong,	J. P. Jeffries,	W. H. Ragland,
J. L. Brown,	R. C. Jarnagin,	E. H. Read,
A. Bertram,	D. D. Lykins,	J. S. Robey,
W. H. Cole,	J. M. Lee,	G. Weissinger Smith,
Reuben Conner,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton.	J. D. Mocquot,	J. A. Small,
W. W. Combs,	Reuben Morris,	O. P. Searcy,
T. W. Clark,	J. R. Mount,	Miles Spurlock,
W. T. Chilton,	John M. Moore,	Waller Sharp,
W. H. Cooke,	J. H. Minor,	G. B. Stout,
J. C. Cantrill,	W. A. Morris,	A. J. Thompson,

J. E. Cahill,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	M. F. North,	South Trimble,
A. S. Denton,	Chas. Aaron Nelson,	H. S. Vanzant,
Claude Desha,	Chas. F. Ogden,	L. E. Weatherford,
J. B. Depp,	Michael O'Sullivan,	C. B. Wheeler,
John T. Hinton,	Harry C. Pulliam,	R. E. Watkins,
J. P. Haswell, Jr.,	E. Petty,	R. C. Walker,
W. B. Henderson,	A. B. Pieratt,	David Woods,
G. W. Hickman,	L. C. Rawling,	Jas. H. Williams-60

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 38. An act to establish the office of physician to the jail in counties containing a population of one hundred and fifty thousand or more.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the county judge and justices of the peace of counties having a population of one hundred and fifty thousand or more, including the justices of the peace in any city within such counties, shall, on the first Tuesday of October, 1898, and on the first Tuesday of October every fourth year thereafter, elect a physician to the jail of their respective counties, who shall enter upon the discharge of the duties of said office on the first of November following, and shall hold the office for the term of four years and until his successor shall qualify.

Sec. 2. It shall be the duty of said physician to attend upon and prescribe for all persons who may be confined in said jail by order of the courts of the State.

Sec. 3. That said physician shall receive as compensation for his services, the sum of fifteen hundred dollars per annum, to be paid by the county, except in counties containing cities having separate government, then pro rata as may be agreed upon by said city and county.

Sec. 4. This act shall take effect on and after the first Tuesday in October, 1898.

Sec. 5. All laws and parts of laws coming in conflict with this act are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	J. A. Ingram, .	A. B. Pieratt,
J. L. Brown,	J. P. Jeffries,	L. C. Rawlings,
George H. Bishop,	R. C. Jarnagin,	W. H. Ragland,
W. H. Cole,	J. H. Lackey,	E. H. Read,
Reuben Conner,	Joseph F. Laufer,	J. S. Robey,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
W. W. Combs,	J. R. Mallory,	J. A. Small,
W. T. Chilton,	J. D. Mocquot,	O. P. Searcy,
J. C. Cantrill,	Reuben Morris,	Miles Spurlock,
J. E. Cahill,	R. C. Myers,	Frank M. Tracy,
J. Morgan Chinn,	F. May,	South Trimble,
A. S. Denton,	J. H. Minor,	George Traver,
Claude Desha,	W. A. Morris,	H. S. Vanzant,
M. T. Freeman,	M. F. North,	L. E. Weatherford,
J. S. Hood,	Chas. Aaron Nelson,	C. A. Wilson,
W. C. G. Hobbs,	Chas. F. Ogden,	R. E. Watkins,
J. H. Hall,	Michael O'Sullivan,	R. C. Walker,
John T. Hinton,	L. J. Owen,	David Woods,
J. P. Haswell, Jr.,	Harry C. Pulliam,	Jas. H. Williams—58.
G. W. Hickman,		

Those who voted in the negative were:

A. J. Thompson—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:;

H. B. 234. An act for the benefit of incorporated districts, or other municipalities not heretofore assigned to any class of cities or towns.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That incorporated districts, or other municipalities, not heretofore assigned to any class of cities or towns, are hereby authorized and empowered by the managing board thereof to cause a new public way to be opened, or an old public way to be extended, widened and improved, and to that end may purchase land, or may procure the same to be condemned by the same proceedings that may now or hereafter be given by law to railroad companies in like cases.

Sec. 2. Said managing board of said districts are hereby authorized and empowered by ordinance to establish the grade of streets, and, upon the petition of the owners of two-thirds of the fronting and abutting feet of ground lying between the points to be improved by ordinance, to cause the streets, alleys, sidewalks and public ways owned by said district to be graded, paved, sewered, macadamized, curbed and guttered in such manner as may be designated; the cost and expense incurred in constructing said streets, alleys, sidewalks, public ways and sewers, as above set forth, shall be borne and paid by the owners of the lots fronting and abutting thereon, in the proportion of the frontage owned by each, to the entire length of the whole of the improvement sufficient to cover the expense thereon, and the proportion of expense on each lot, or numbet of lots, so fronting and abutting thereon, shall be assessed upon and against the same, and such expense shall be

a lien thereon from the date of awarding the contract therefor, with six per cent. interest thereon from the date of the letting of the work until paid; Provided, The expense thereon shall not exceed the sum of twenty-five per cent. of the value of said property, estimated after the improvement is made, excluding buildings thereon. Upon the passage of such ordinance it shall be duty of the managing board to advertise and let the work to the lowest responsible bidder, and within thirty days from the making of the contract for doing the work as herein provided for, it shall be the duty of the managing board of the district to issue the bonds of such district in such sums as the board may order, not exceeding the sum of the contract price for the work, and the expense attending same, including expense attending the issuing of the bonds; that such bonds shall be redeemable by the said district at any time within ten years after the issuing of the same that the board may ordain; the said bonds may be payable at any bank in the State of Kentucky.

Sec. 3. A lien shall exist for the cost of the improvement herein provided for, upon said lot, or number of lots, fronting, abutting or bordering upon the improvements, and shall be superior to all other liens for the payment of the improvement of each lot, with six per cent interest thereon, and the payment may be enforced for the expense imposed thereon by suit in equity, and any error in the proceedings of the managing board, or the council, shall not exempt from such payment or defeat said lien, if the work has been done as required by ordinance of the board or council. The courts in which such suits may be pending shall disregard all errors and do justice to all parties concerned, and if such improvement be made as provided for by the ordinance, in no event shall the district be liable therefor without the right to enforce it against the property deriving the benefit therefrom.

Sec. 4. In all actions to enforce liens as authorized by this act, a copy of the ordinance authorizing the improvement of

the work, a copy of the contract therefor, and a copy of the apportionment, each attested by the clerk of the managing board shall be prima facie evidence of the contract, and shall be prima facie evidence of every other fact necessary to be shown by the plaintiff in such actions, and entitle him to relief otherwise given in this act.

Sec. 5. The clerk of the managing board as aforesaid, shall make out all apportionment warrants for which liens are given, for improvement of the public ways as may be required by ordinance, and within two days thereafter he shall enter the same upon a register for that purpose, and when the holder of said warrants has received payment he shall notify the clerk of the managing board, and he shall mark it down on the register as paid. The clerk of the managing board shall be allowed a fee of ten cents for the entry and indexing of such register. The lien shall not be valid against the purchaser for value without notice, unless it shall be so entered and registered within three months of the issuing of the apportionment warrants.

Sec. 6. The clerk of the managing board shall issue warrants against the lot owners in favor of the contractor, stating the amount due him, which shall bear interest from the date of the acceptance of the work by the managing board, and specify the name of the owner, and give a short description of the lot subject to the lien. Warrants so issued shall be prima facie evidence that all proceedings preliminary thereto have been complied with, as required by law. Upon these warrants the contractor or his assignee may bring suit in equity in the circuit court of the county, making the owners of all unpaid warrants growing out of the same contract parties to the suit.

Sec. 7. The managing board of said district shall require the accepting contractor of said work to execute bond with sufficient surety to such managing board, for the faithful performance of his duties, and the contractor shall, within ten days



thereafter, begin his work under said contract, and shall complete same without delay.

Sec. 8. When the work hereunder is undertaken and is completed in accordance with the contract, the work shall be received by the said managing board, upon the certificate from the engineer of said district, stating that the work has been done according to contract, and said council shall order payment for the same made to the contractor, and the issuing of an order upon the treasurer of said district to pay the same in full out of the public improvement fund.

Sec. 9. That within thirty days after the signing of said contract by the contractor for the improvement contemplated herein, it shall be the duty of the managing board of said district to issue the bonds of said district in such sums as the board may order, not exceeding the sum of the contract price for the work, and the expense attending the completion of said work, including the expense attending the issuing of said bonds which bonds shall be redeemable by the district at any time within ten years after the date of issue of the same, that the managing board may ordain, and the district may redeem any of said bonds before said date or dates, within the said ten years, as may be stated in said bond or bonds.

Sec. 10. Said managing board may appoint a treasurer, who will execute bond, payable to said board, with sufficient surety, to be approved by the judge of the county wherein said corporate district is located, and said managing board shall designate some bank as the depository of the funds belonging to said district.

Sec. 11. The money received for the sale of bonds provided for herein shall be kept by the treasurer of said district in a separate fund, to be known as the "Street Improvement Fund," and the treasurer thereof shall pay out of said fund all orders that the managing board may direct paid for, and said treasurer shall keep a separate account of the monies received for street improvement fund and paid out of that account,

and the said treasurer shall be responsible under his bond as such treasurer, for the money accruing and received by him hereunder, and for the faithful performance of the duties required of him herein. The amount of the bonds issued for any one improvement, together with interest thereon for the time intervening between the date of said bonds and the receiving of the work by the managing board, shall be taken to be the cost of the improvement, and this cost, as soon as these bonds are issued for any one improvement, are to be assessed equally for the feet front upon the property fronting or abutting or bordering upon said improvement. The intersection of streets and crossings adjoining said improvement is to be added to the cost of the improvement, to be paid by the property holders fronting or abutting the improvement made. Assessments shall be made as soon as the improvement is fully completed, and the sum assessed, which shall include the cost of the intersections and crossings aforesaid against each piece of property, and, also, the owners thereof, should be placed upon the tax list of the district, and shall be payable to and at the office of the treasurer of said district, as aforesaid, in ten equal annual installments, with interest at six per cent. per annum upon the unpaid portion thereof. The first installment, together with interest upon the whole amount at six per cent. per annum, shall be paid at the first payment of taxes next succeeding the date of placing same upon the tax list, to-wit: The thirty-first day of October of the current year, and the following installments annually thereafter, with interest on the installments not due at the issue, until all installments are paid. The assessment may be collected like other taxes, and said district may at any time after one installment remains delinquent thirty days, by suit in equity, enforce this lien for all of the unpaid installments, with interest thereon to date of satisfaction of same and its cost expended. The said managing board may make an allowance to said treasurer, or reasonable compensation for his services as such.

Sec. 12. The assessment herein provided for, together with the interest accruing thereon, shall be a lien upon the property fronting and abutting, or bordering upon the street, or other improvement, from the time of the passage of the ordinance ordering the improvement made, and shall remain a lien until fully paid off; including interest and cost; having precedence over all other liens, and said liens shall not be defeated or postponed by judicial sale, or by any mistake in the description of the property, or in the name, or names of the owners thereof, but the owners of a lot, or number of lots, may at any time after the assessment for the street improvement is made, be entitled to pay the amount of such assessment up to and including the next ensuing date provided for the payment of such taxes, and the liens herein provided for shall be settled. If any one shall divide his property so that the number of feet fronting on improvement is separated into smaller lots, or tracts, the lien may be discharged in like manner upon any one or more of the separate lots, or tracts, by the payment of the amounts thereon, or the lien may be apportioned to the new owners by the clerk of said managing board, calculating by the ratio of feet fronting of said lot, or lots, in proportion to the feet front of the original contract.

Sec. 13. The money received for the assessment provided for shall be appropriated upon an order of the managing board on the treasurer of said district, and the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for.

Sec. 14. Public ways herein shall embrace public streets, alleys, side-walks, roads, lanes, avenues, highways that may be owned or acquired by said district or municipality.

Sec. 15. This act shall take effect, and be in force, from and after its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

## Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	E. H. Read,
T. H. Armstrong,	G. W. Hickman,	G. Weissinger Smith,
B. W. Bradburn,	D. D. Lykins,	F. G. Shepherd,
J. L. Brown,	Joseph F. Laufer,	W. T. Sharp,
George H. Bishop,	J. M. Lee,	J. A. Small,
Reuben Conner,	J. R. Mallory,	O. P. Searcy,
A. H. Charlton,	J. D. Mocquot,	Waller Sharp,
T. W. Clark,	John M. Moore,	G. B. Stout,
W. T. Chilton,	W. A. Morris,	Frank M. Tracy,
J. C. Cantrill,	M. F. North,	George Traver,
J. E. Cahill,	Chas. Aaron Nelson,	L. E. Weatherford,
J. Morgan Chinn,	Chas. F. Ogden,	C. A. Wilson,
Claude Desha,	Michael O'Sullivan,	C. B. Wheeler,
J. B. Depp,	Harry C. Pulliam,	R. E. Watkins,
J. A. Humphreys,	E. Petty,	R. C. Walker,
W. C. G. Hobbs,	W. C. Pike,	David Woods,
J. P. Haswell, Jr.,	W. H. Ragland,	Jas. H. Williams—51.

## Those who voted in the negative were:

J. H. Hall,	Miles Spurlock,	A. J. Thompson—4.
A. B. Pieratt,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 47. An act to amend and re-enact an act entitled, "An act fixing the time and terms of circuit courts in the counties composing the several judicial districts in this Commonwealth," approved December 22, 1892, so far as the same applies to the twenty-third circuit court district.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows.  
viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act fixing the time and terms of circuit courts in the counties composing the several judicial districts of this Commonwealth," approved December 22, 1892, so far as the same fixes the time and terms of the circuit court in the twenty-third circuit court district, be, and the same is hereby amended and re-enacted so as to make same read as follows:

"Twenty-third District—Wolfe county, at Campton, on the third Monday in January, fourth Monday in April, and third Monday in September and continue twelve juridical days each term. Magoffin county, at Salyersville, on the Monday succeeding each Wolfe term, and continue twelve juridical days each term.

"Breathitt county, at Jackson, on the first Mondays in March, June and November, and continue eighteen juridical days each term.

"Estill county, at Irvine, on the fourth Mondays in March, June and November, and continue twelve juridical days each term.

"Lee county, at Beattyville, on the Monday succeeding each Estill term, and continue twelve juridical days each term."

Sec. 2. That this act take effect and be in force from and after the first Monday in August, 1898.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. A. Ingram,	Harry C Pulliam,
B. W. Bradburn,	J. P. Jeffries,	W. C. Pike,
J. L. Brown,	R. C. Jarnagin,	A. B. Pieratt,
George H. Bishop,	J. H. Lackey,	L. C. Rawlings,
W. H. Cole,	D. D. Lykins,	W. H. Ragland,

Reuben Conner,	J. M. Lee,	E. H. Read,
A. H. Charlton,	J. R. Mallory,	F. G. Shepherd,
W. W. Combs,	J. D. Mocquot,	J. A. Small,
T. W. Clark,	Reuben Morris,	O. P. Searcy,
W. T. Chilton,	W. J. Mears,	Miles Spurlock,
J. C. Cantrill,	R. C. Myers,	Waller Sharp,
J. E. Cahill,	John M. Moore,	Ham. Shehan,
J. Morgan Chinn,	F. May,	South Trimble,
Claude Desha,	W. A. Morris,	H. S. Vanzant,
J. B. Deep,	J. Mc. Meloan,	L. E. Weatherford,
M. T. Freeman,	M. F. North,	C. B. Wheeler,
J. S. Hood,	Chas. Aaron Nelson,	R. E. Watkins,
J. A. Humphreys,	Emmett Orr,	R. C. Walker,
J. P. Haswell, Jr.,	Chas. F. Ogden,	David Woods,
W. B. Henderson,	Michael O'Sullivan,	Jas. H. Williams-62.
G. W. Hickman,	L. J. Owen,	

Those who voted in the negative were:

A. J. Thompson—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Moore, of the Committee on Enrollments, reported that the Committee had examined enrolled bills and resolutions which originated in the Senate of the following titles, viz:

S. B. 44. An act to amend and re-enact section 1 of chapter 31 of an act entitled, "An act providing for the creation and regulation of private corporations," approved March 21, 1896.

S. B. 83. An act regulating the manufacture and sale of food.

S. B. 141. An act to authorize cities of the second class to acquire parts of turnpike roads lying within the corporate limits of such city.

S. R. 10. Resolution providing for the payment of certain idiot claims.

S. B. 61. An act concerning the liability of the owners, possessors or operators of railways for negligence or wrongful acts of servants and fellow-servants.

S. Res. 16. Resolution authorizing suit against the State of Kentucky for certain indebtedness incurred by the State militia.

And had found the same correctly enrolled.

Said bills and resolutions were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Moore reported that the committee had performed that duty.

Mr. Moore of the committee on enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, viz:

H. B. 348. An act giving effect to so much of section 199 of the Constitution of the Commonwealth of Kentucky as provides for the right to construct and maintain lines of telegraph within this State.

H. B. 136. An act to prohibit the sale, barter, or loan of any intoxicating beverage, liquid mixture or decoction in the local option districts of this State. and providing a penalty therefor.

H. B. 317. An act providing for the enlargement of the electric plant at the penitentiary at Frankfort, and making appropriation therefor.

H. B. 363. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

H. B. 376. An act providing for the enlargement of the present dining-room, kitchen and hospital of the Kentucky penitentiary at Frankfort.

H. B. 296. An act to amend an act entitled, "An act relating to fees," approved June 15, 1893, being chapter 47 Kentucky Statutes.

And had found the same correctly enrolled.

Said bills were then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Moore reported that the Committee had performed that duty.

The House took from the calendar, bills as follows, viz:

S. B. 175. An act to amend section 3, of an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the fourth class,'" which became a law March 24, 1894.

S. B. 178. An act to amend an act to provide for an efficient system of common schools throughout the State, approved July 6, 1893.

S. B. 109. An act to amend and re-enact section 85, article 8, of chapter 260, of session acts 1891-2-3, entitled, "An act to provide for an efficient system of common schools throughout the State."

S. B. 63. An act to amend an act entitled, "An act to provide for the creation and regulation of real estate title insurance companies."

S. B. 65. An act in regard to the renting of land.

S. Res. 11. Resolution authorizing and directing the State



Librarian to furnish copies of the reports of Court of Appeals to certain counties.

Said bills and resolution were severally read the second time and placed in the orders of the day.

And then the House adjourned.

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MONDAY, MARCH 14, 1898.

The House was opened with prayer by Rev. G. W. McCready of the Episcopal church.

Mr. Speaker Beckham in the chair.

The Journal of Saturday was approved.

A message was received from the Governor as follows, viz:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., March 14, 1898. }

To the Kentucky House of Representatives:

Gentlemen: I have this day approved House Bill No. 105, being "An act to amend section 2, article 1, chapter 221 of an act entitled, 'An act relating to courts of justice,' approved June 10, 1893, being section 950, subdivision 2, article 1, chapter 36 of the Kentucky Statutes."

Respectfully,

WILLIAM O. BRADLEY,  
Governor of Kentucky.

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., March 14, 1898. }

To the Kentucky House of Representatives:

Gentlemen: I have this day approved House Bill No. 68, en-

titled, "An act to amend section 6, article 1, chapter 210, concerning juries, approved May 22, 1893, and to re-enact said section as herein amended."

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Mr. Hobbs called from the clerk's desk a resolution heretofore introduced by him in regard to placing the name of Jacob Warrick on the battle monument erected in the cemetery at Frankfort.

Said resolution was read as follows viz:

Whereas, Capt. Jacob Warrick, reared in Fayette County, Kentucky, and who was slain at the head of his company, of Indiana Volunteers in the battle of Tippecanoe, under Gen. W. H. Harrison, on the seventh day of November, 1811. And whereas his name and fame are entitled to recognition and commemoration at the hands and in the hearts of all the American people and especially the people of Kentucky. Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the name of said Jacob Warrick be inscribed on the battle monument in the cemetery at Frankfort, Kentucky, under that of Col. Joe H. Davis and Col. Abram Owen, in that space set apart for the soldiers of Tippecanoe on said monument and that the Governor is requested to have this resolution carried into effect at once.

Said resolution was adopted.

The House took from the orders of the day:

S. Res. 13. Resolution providing for fitting up and furnishing rooms for the use of the State Library.

Mr. North moved an amendment to said resolution.

Said amendment was adopted.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky :

Section 1. That the sum not exceeding three thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid on the order of the State Librarian, with the approval of the Governor, and so much of it to be expended by the Librarian as may be necessary to fit up and furnish the large room in the east wing of the Capitol now occupied by the geological exhibit ; also two rooms adjoining the same to be used for the State Library, which said rooms are hereby set apart for said purposes.

Sec. 2. There being a great necessity for additional room for the books belonging to the library, an emergency exists for the immediate adoption of this resolution, and this resolution shall take effect upon its adoption and approval of the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz :

Those who voted in the affirmative were:

M. Abele,	J. A. Humphreys,	E. Petty,
B. W. Bradburn,	W. C. G. Hobbs,	A. B. Pieratt,
A. C. Brown,	John T. Hinton,	L. C. Rawlings,
J. L. Brown,	W. B. Henderson,	W. H. Ragland,
Geo. H. Bishop,	G. W. Hickman,	E. H. Read,
A. Bertram,	J. H. Lackey,	S. Atwood Smith,
Reuben Connor,	Joseph F. Laufer,	G. Weissinger Smith,
A. H. Charlton,	J. M. Lee,	F. G. Shepherd,
W. W. Combs,	J. R. Mallory,	J. A. Small,
T. W. Clark,	J. D. Mocquot,	O. P. Searcy,
W. T. Chilton,	J. R. Mount,	G. B. Stout,

W. H. Cooke,	J. J. Marquette,	Ham. Shehan,
J. C. Cantrill,	M. F. North,	B. F. Saunders,
J. E. Cahill,	Emmett Orr,	Frank M. Tracy,
J. Morgan Chinn,	Chas. F. Ogden,	George Traver,
A. S. Denton,	Michael O'Sullivan,	R. E. Watkins,
Claude Desha,	L. J. Owen,	J. D. Wills,
W. C. Holland,	Harry C. Pulliam,	Jas. H. Williams-54.

Those who voted in the negative were:

Bruce Adkins,	Anderson Hatfield,	Chas. Aaron Nelson,
W. H. Cole,	J. A. Ingram,	Andrew Sargent,
John Collins,	J. P. Jeffries,	W. T. Sharp,
M. T. Freeman,	R. C. Jarnagin,	Miles Spurlock,
W. W. Gill,	D. D. Lykins,	A. J. Thompson,
C. W. Haverly,	W. J. Mears,	H. S. Vanzant,
J. S. Hood,	R. C. Myers,	L. E. Weatherford,
J. H. Hall,	F. May,	R. C. Walker,
J. P. Haswell, Jr.,	J. Mc. Meloan,	David Woods-27.

Resolved, That said resolution be adopted and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 97. An act for the benefit of ex-sheriffs of this Commonwealth.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, Many ex-sheriffs of this Commonwealth have settled in full with both State of Kentucky and the counties wherein they acted as sheriff for all the taxes due from them; and whereas, many persons are owing taxes to said sheriffs; and whereas, in many instances, the time in which said sheriffs can distrain for such taxes has nearly expired, and will, therefore, cause much loss to said sheriffs if they do not obtain an extension of time; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the time in which said sheriffs are allowed to collect such taxes by distraint, be, and the same is hereby, extended for a further period of two years, during which time they may enforce the payment of such taxes by all or any of the remedies now allowed sheriffs in collecting taxes due the State and several counties in this Commonwealth.

Sec. 2. Owing to the fact that the time in which distraints for the collection of taxes has nearly expired and said expiration will result in much loss, and emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	W. B. Henderson,	W. H. Ragland,
A. C. Brown,	G. W. Hickman,	E. H. Read,
J. L. Brown,	J. A. Ingram,	J. S. Robey,
Geo. H. Bishop,	J. P. Jeffries,	S. Atwood Smith,
A. Bertram,	J. H. Lackey,	G. Weissinger Smith,
W. H. Cole,	D. D. Lykins,	F. G. Shepherd,
Reuben Connor,	Joseph F. Laufer,	J. A. Small,
A. H. Charlton,	J. M. Lee,	W. T. Sharp,
W. W. Combs,	J. R. Mallory,	O. P. Searcy,
T. W. Clark,	J. D. Mocquot,	Miles Spurlock,
W. T. Chilton,	J. J. Marquette,	Waller Sharp,
J. C. Cantrill,	W. J. Mears,	G. B. Stout,
J. E. Cahill,	J. Mc. Meloan,	Ham. Shehan,
J. Morgan Chinn,	M. F. North,	B. F. Saunders,
John Collins,	Chas. Aaron Nelson,	A. J. Thompson,
A. S. Denton,	Chas. F. Ogden,	George Traver,
M. T. Freeman,	Michael O'Sullivan.	L. E. Weatherford,
W. C. Holland,	L. J. Owen,	C. A. Wilson,

C. W. Haverly,	Harry C. Pulliam,	C. B. Wheeler,
J. S. Hood,	E. Petty,	R. E. Watkins,
J. A. Humphreys,	V. Perkins,	R. C. Walker,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams-68.
James M. Hall,	L. C. Rawlings,	

Those who voted in the negative were:

M. Abele,	R. C. Jarnagin,	Andrew Sargent,
W. H. Cooke,	F. May,	David Woods,
J. H. Hall,	Emmett Orr,	J. D. Wills-10.
J. P. Haswell, Jr.,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Lackey moved to call from the orders of the day:

S. B. 25. An act to amend sections 1, 4, 7, 8 and 10 of an act entitled, "An act whereby the sense of the people of any county, city, town, district or precinct may be taken as to whether spirituous, vinous or malt liquors shall be sold, bartered or loaned therein," approved March 10, 1894.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Haswell and Lackey were as follows, viz:

Those who voted in the affirmative were:

Bruce Adkins,	J. P. Haswell, Jr.,	E. Petty,
J. L. Brown,	W. B. Henderson,	W. C. Pike,
W. H. Cole,	G. W. Hickman,	A. B. Pieratt,
Reuben Conner,	Anderson Hatfield,	E. H. Read,
T. W. Clark,	J. P. Jeffries,	J. S. Robey,
J. C. Cantrill,	R. C. Jarnagin,	W. T. Sharp,
John Collins,	J. H. Lackey,	Miles Spurlock,
M. T. Freeman,	J. R. Mount,	G. B. Stout,
W. W. Gill,	J. J. Marquette,	Ham. Shehan,

W. C. Holland,	John M. Moore,	H. S. Vanzant,
J. S. Hood,	W. A. Morris,	R. C. Walker,
James M. Hall,	M. F. North,	David Woods,
J. H. Hall,	L. J. Owen,	Jas. H. Williams—36.

Those who voted in the negative were:

M. Abele,	D. D. Lykins,	S. Atwood Smith,
T. H. Armstrong,	Joseph F. Laufer,	G. Weissinger Smith,
B. W. Bradburn,	J. M. Lee,	F. G. Shepherd,
A. C. Brown,	J. R. Mallory,	J. A. Small,
Geo. H. Bishop,	J. D. Mocquot,	Andrew Sargent,
A. H. Charlton,	W. J. Mears,	O. P. Searcy,
W. W. Combs,	R. C. Myers,	Waller Sharp,
W. T. Chilton,	F. May,	A. J. Thompson,
W. H. Cooke,	J. Mc. Meloan,	Frank M. Tracy,
J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Chas. F. Ogden,	George Traver,
Claude Desha,	Michael O'Sullivan	L. E. Weatherford,
C. W. Haverly,	Harry C. Pulliam,	C. A. Wilson,
J. A. Humphreys,	V. Perkins,	C. B. Wheeler,
W. C. G. Hobbs,	L. C. Rawlings,	R. E. Watkins,
John T. Hinton,	W. H. Ragland,	J. D. Wills—48.

The House took from the orders of the day:

S. B. 43. An act concerning causes of action against and liabilities of master and servant, employer and employee, principal and agent, lessor and lessee for acts and torts of the servant, employee, agent or lessee, and actions thereon and therefor.

Mr. Bradburn moved an amendment to said bill.

Said amendment was adopted.

Mr. Cantrill moved an amendment to said bill.

Said amendment was rejected.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the causes of action against, and the liabilities of, master and servant, employer and employee, principal and agent lessor and lessee for all acts, omissions, defaults neglects and torts of the servant, employee agent or lessee shall be joint as well as several, and all actions upon, or for, any such cause of action, or liability may be brought and prosecuted jointly, against all or any number of the persons and corporations alleged or asserted to be liable thereon or therefor.

Sec. 2. Because of the necessity for this act there is an emergency that this act take immediate effect, and this act shall take effect as soon as approved by the Governor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz;

Those who voted in the affirmative were:

M. Abele,	Joseph F. Laufer,	S. Atwood Smith.
B. W. Bradburn.	J. R. Mallory,	F. G. Shepherd,
A. C. Brown,	J. R. Mount,	G. B. Stout,
George H. Bishop,	J. J. Marquette,	B. F. Saunders.
Reuben Conner,	W. H. McKee,	A. J. Thompson,
J. C. Cantrill,	W. A. Morris,	Frank M. Tracy,
J. E. Cahill,	Chas. Aaron Nelson,	South Trimble,
J. Morgan Chinn,	Michael O'Sullivan,	George Traver,
A. S. Denton,	Harry C. Pulliam,	C. A. Wilson,
Claude Desha,	E. Petty,	C. B. Wheeler,
W. C. Holland,	V. Perkins,	R. E. Watkins,
John T. Hinton,	L. C. Rawlings,	J. D. Wills,
W. B. Henderson,	W. H. Ragland,	Jas. H. Williams-40.
G. W. Hickman,		



Those who voted in the negative were:

J. L. Brown,	J. H. Hall,	W. C. Pike,
W. H. Cole,	J. P. Haswell, Jr.,	A. B. Pieratt,
A. H. Charlton,	J. P. Jeffries,	E. H. Read,
W. W. Combs,	R. C. Jarnagin,	J. S. Robey,
T. W. Clark,	J. H. Lackey,	J. A. Small,
W. T. Chilton,	D. D. Lykins,	Andrew Sargent,
W. H. Cooke,	J. M. Lee,	W. T. Sharp,
John Collins,	J. D. Mocquot,	O. P. Searcy,
M. T. Freeman,	W. J. Mears,	Miles Spurlock,
W. W. Gill,	R. C. Myers,	Waller Sharp,
C. W. Haverly,	F. May,	Ham. Shehan,
J. S. Hood,	J. Mc. Meloan,	H. S. Vanzant,
J. A. Humphreys,	M. F. North,	L. E. Weatherford,
W. C. G. Hobbs,	Emmett Orr,	R. C. Walker,
James M. Hall,	Chas. F. Ogden,	David Woods—45.

So said bill was rejected.

Mr. Watkins moved to call from the Committee on Propositions and Grievances:

S. B. 119. An act to regulate the rates of telephones.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Henderson and Perkins were as follows, viz:

Those who voted in the affirmative were:

J. L. Brown,	John M. Moore,	W. H. Ragland,
Reuben Conner,	W. H. McKee,	J. S. Robey,
W. W. Combs,	J. Mc. Meloan,	J. A. Small,
T. W. Clark,	M. F. North,	O. P. Searcy,
W. H. Cooke,	Chas. Aaron Nelson,	Miles Spurlock,
J. E. Cahill,	Michael O'Sullivan,	B. F. Saunders,
A. S. Denton,	L. J. Owen,	A. J. Thompson,
M. T. Freeman,	W. C. Pike,	Frank M. Tracy,

W. C. Holland,  
W. B. Henderson,  
G. W. Hickman,  
W. J. Mears,

V. Perkins,  
A. B. Pieratt,  
L. C. Rawlings,

George Traver,  
R. E. Watkins,  
R. C. Walker—34.

Those who voted in the negative were:

M. Abele,  
T. H. Armstrong,  
B. W. Bradburn,  
A. C. Brown,  
George H. Bishop,  
A. H. Charlton,  
J. C. Cantrill,  
J. Morgan Chinn,  
John Collins,  
Claude Desha,  
W. W. Gill,  
C. W. Haverly,  
J. A. Humphreys,  
W. C. G. Hobbs,  
James M. Hall,

J. H. Hall,  
John T. Hinton,  
J. P. Haswell, Jr.,  
J. P. Jeffries,  
J. H. Lackey,  
D. D. Lykins,  
Joseph F. Laufer,  
J. M. Lee,  
J. R. Mount,  
R. C. Myers,  
F. May,  
W. A. Morris,  
Emmett Orr,  
Chas. F. Ogden,  
E. Petty,

E. H. Read,  
S. Atwood Smith,  
G. Weissinger Smith,  
Andrew Sargent,  
Waller Sharp,  
G. B. Stout,  
Ham. Shehan,  
South Trimble,  
H. S. Vanzant,  
L. E. Weatherford,  
C. A. Wilson,  
C. B. Wheeler,  
David Woods,  
Jas. H. Williams—44.

The House took from the orders of the day:

S. B. 152. An act to amend and re-enact section 10 of article 1 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 10 of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, and which

is section 445 of article 1 of chapter 32 of the Kentucky Statutes, be amended and re-enacted by inserting the following words, "or for the purpose of printing and publishing newspapers or other literary productions or works of art;" so that said section when amended and re-enacted, shall read as follows:

"The stockholders of each corporation shall be liable to creditors for the full amount of the unpaid part of the stock subscribed for by them, and stockholders of corporations not organized for educational, religious, charitable or benevolent purposes, or for the purpose of printing and publishing newspapers or other literary production or works of art, or for the purpose of building, constructing or operating turnpikes or bridges, lines of railroad, telegraph or telephone, or developing or improving land, mines, or waterways, or constructing or operating water, gas or electric plants, or operating for petroleum natural gas or salt water, shall be individually responsible, equally and ratably, and not one for the other, for all contracts and liabilities of such corporation to the extent of the amount of their stock at par value; in addition to the amount of such stock; but persons holding stock as fiduciaries shall not be personally liable as stockholders, but the estates in their hands shall be liable in the same manner and to the same extent as property of other stockholders; and no transfer of stock shall operate as a release of any such liability existing at the time of such transfer; Provided, The action to enforce such liability shall be commenced within two years from the time of transfer."

Sec. 2. Whereas, It is well known that worthy persons are deterred from engaging in legitimate journalism and other literary arts and works of art, and development in such business is being retarded to the great detriment of the people on account of the double liability imposed on stockholders by said section 10 of said act; and, whereas, it is the object of the State government to encourage such work, it is declared that

an emergency exists, and that this act shall take effect upon its passage.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

B. W. Bradburn,	Joseph F. Laufer,	W. H. Ragland,
A. C. Brown,	J. M. Lee,	S. Atwood Smith,
Reuben Conner,	J. R. Mallory,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
W. H. Cooke,	J. J. Marquette,	Waller Sharp,
J. C. Cantrill,	W. J. Mears,	G. B. Stout,
J. E. Cahill,	W. H. McKee,	Ham. Shehan,
J. Morgan Chinn,	M. F. North,	B. F. Saunders,
A. S. Denton,	Chas. Aaron Nelson,	A. J. Thompson,
Claude Desha,	Emmett Orr,	South Trimble,
W. C. Holland,	Michael O'Sullivan,	George Traver,
J. A. Humphreys,	L. J. Owen,	C. A. Wilson,
W. C. G. Hobbs,	Harry C. Pulliam,	R. E. Watkins,
John T. Hinton,	A. B. Pieratt,	Jas. H. Williams-34.
G. W. Hickman,	L. C. Rawlings,	

Those who voted in the negative were:

M. Abele,	J. P. Haswell, Jr.,	W. C. Pike,
J. L. Brown,	J. P. Jeffries,	E. H. Read,
W. H. Cole,	R. C. Jarnagin,	F. G. Shepherd,
John Collins,	D. D. Lykins,	J. A. Small,
M. T. Freeman,	J. D. Mocquot,	O. P. Searcy,
W. W. Gill,	R. C. Myers,	Frank M. Tracy,
C. W. Haverly,	F. May,	H. S. Vanzant,
James M. Hall,	J. H. Minor,	David Woods-26.
J. H. Hall,	Chas. F. Ogden,	

So said bill was rejected.

A message was received from the Senate announcing that

they had concurred in an amendment proposed by the House to:

S. Res. 13. Resolution providing for fitting up and furnishing rooms for the use of the State Library.

That they had passed a bill and adopted a resolution originating in the House of the following titles, viz:

H. B. 232. An act to allow the children of slave marriages to inherit the property of their fathers and mothers.

H. Res. 26. Resolution providing payment of expenses incurred in the Powers-Bertram contest case.

A message was received from the Senate announcing that they had passed:

S. B. 156. An act to amend and re-enact sections 4, 6 and 8, of an act entitled, "An act relating to and providing for a Court of Appeals," approved June 17, 1893.

The objections of the Governor to the contrary notwithstanding.

Said bill and objections were read as follows, viz:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., March 14, 1898. }

To the Senate of Kentucky:

Gentlemen: Senate Bill No. 156 is returned without approval.

On the seventeenth day of June, 1893, a bill passed by the General Assembly of the Commonwealth was approved, by which the State was divided into seven appellate court districts. The present bill undertakes to change the boundaries established by that law, as to exclude the county of Whitley from the third appellate district; and the counties of Harlan, Leslie, Perry, Bell and Letcher from the seventh appellate district and include all of them in the fifth appellate district.

Section 116 of the Constitution of Kentucky provides; "The judges of the Court of Appeals shall be elected by dis-

tricts. The General Assembly shall, before the regular election in 1894, divide the State by counties, into as many districts, as nearly equal in population and as compact in form as possible, as it may provide shall be the number of the judges of the Court of Appeals; and it may, every ten years thereafter, or when the number of judges requires it, redistrict the State in like manner.

"Upon the creation of new or additional district the General Assembly shall designate the year in which the first election for a judge of the Court of Appeals shall be held in each district, so that not more than the number of judges provided for shall be elected, and that no judge may be deprived of his office until the expiration of the term for which he was elected."

The reason that the arranging of other districts was provided for was that section 113 of the Constitution changed the number of judges from four to not less than five nor more than seven.

It was therefore incumbent on the Legislature to reapportion the State into as many as five districts, and if it should conclude to make no more districts at that time, it had authority to create the other two whenever they saw proper.

The General Assembly, after establishment of the five districts, had the authority every ten years thereafter to redistrict the State in like manner.

The General Assembly, however determined, that the court should consist of seven judges, and in 1893 divided the State into seven districts.

Having therefore, fully accomplished the powers and duties devolved upon it, it has no right to, until after the expiration of ten years from the first apportionment to again redistrict the State. If it has no power to redistrict the State, it surely has none to redistrict a portion of it, for the withholding of the major power includes the withholding of the minor. The whole necessarily includes all its parts, the mentioning of one power excludes all others.

The effect of the present bill, however, is to redistrict the State by making changes in the three districts, for it by implication declares that the others shall remain as at present constituted.

Nor is the bill a mere changing of counties from one district to another, but the distinct formation of three new districts by taking a county or counties from two and placing them in another, and re-enacting the law, specifically naming the counties constituting each of the three districts. If the Legislature may change these districts at pleasure it may change all, and yet contend that it is not redistricting, but merely changing the districts.

I know it is contended that the Constitution does not say positively, that the General Assembly shall not redistrict the State for ten years. This is entirely unnecessary. The power to redistrict every ten years thereafter, is a specific, defined power, and can not be contracted or enlarged. Both time and manner having been explicitly stated, no other time or manner can be implied. If the intention of the Constitution was to give the Legislature full power to redistrict at pleasure, it was entirely unnecessary to have said anything concerning the time or manner of re-districting the State, except that the power should be exercised whenever deemed necessary.

The people are the repository of all power. In adopting the Constitution, in which was granted a power with directions as to its exercise, all other power was withheld. "Plenary power in the Legislature, for all purposes of civil government is the rule. A prohibition to exercise a particular power is an exception. In inquiring therefore, whether a given statute is Constitutional, it is for those who question its validity to show that it is forbidden. I do not mean that the power must be expressly inhibited, for there are but few positive restraints upon the legislative power contained in the instrument. \* \* \* But the affirmative prescription, and the general arrangement of the Constitution are far more fruitful of restraints upon the Legislature. Every positive direction contains

implication against anything contrary to it, or which would frustrate or disappoint the purpose of that provision." *People vs. Draper*, 15 N. Y., 532,543. This authority is approvingly quoted in *Cooley's Constitutional Limitations*, page 105.

Says Mr. Cooley, page 78, *supra*: "Another rule of construction is, that when a Constitution defines the circumstances under which a right may be exercised or a penalty imposed, the specification is an implied prohibition against legislative interference to add to the condition, or extend the penalty to other cases."

The act of 1893 was not framed in accordance with the provisions of section 116, Constitution; in this, the districts were not "as nearly equal in population and as compact in form as possible." By the use of this last word, we must assume, that the makers of the fundamental law, did not intend that there should be any latitudinous construction. Hence, the words "practicable" or "convenient," were not employed, but in their stead, the word "possible," which Mr. Webster defines as meaning "capable of being done."

Notwithstanding this plain requirement, the districts created range from a population (excluding the fourth, located in Jefferson county) of 227,330 to 307,835; while their areas extended from 4,353 to 7,987 square miles.

Elections have been held since the apportionment in five of these districts, to-wit: the first, second, fourth, fifth and sixth, resulting in the selection of three Republicans and two Democrats, although when the districts were created each of them was Democratic. State elections since their creation have demonstrated that the third and seventh, in which elections are soonest to be held, are probably, if not certainly, Republican; hence, the reason for the present changes. And if these changes can be Constitutionally made, counties may be shifted from one district to another whenever desirable, in such way as to at all times have each district in this State, give a ma-



majority for the dominant party. In this way many counties may be prevented from having a voice in the selection of an Appellate Judge, and thus their people deprived of their Constitutional privileges.

I am told that, owing to this character of legislation, the people of the county of Whitley have not been allowed to vote in the election of Appellate Judge for more than seventeen years.

By the present bill the population and area of the third, fifth and seventh districts are as follows:

	Population.	Sq. Miles.
Third.....	273,321	7,237
Fifth.....	366,143	8,521
Seventh.....	183,618	5,745

There cannot be even a pretense that these districts as now apportioned, are as nearly equal in population or as compact in form as possible.

It will be remembered, too, that there be no election in the fifth district until 1904, and doubtless this may account for the overwhelming majority in that district as now constituted, which may be easily remedied, however, during the time to elapse by the application to it of like treatment contained in the present bill. The purpose of section 116 of the Constitution was to remedy the defects of the old system and make the opportunity for such legislation as that contained in the present bill impossible.

Respectfully,

WM. O. BRADLEY,  
Governor of Kentucky.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sections 4, 6 and 8 of an act entitled, "An act relating to and providing for a Court of Appeals," approved

June 17, 1893, be and the same are hereby amended and re-enacted so as to read as follows:

"Sec. 4. Third District—Hardin, Bullit, Nelson, Washington, Marion, Spencer, Larue, Hart, Green, Taylor, Adair, Metcalfe, Barren, Clinton, Wayne, Russell, Casey, Shelby Oldham, Anderson and Pulaski."

"Sec. 6. Fifth District—Henry, Trimble, Carroll, Gallatin, Owen, Scott, Franklin, Bourbon, Fayette, Woodford, Garrard Boyle, Jessamine, Madison, Mercer, Lincoln, Rockcastle, Clay, Jackson, Laurel, Knox, Owsley, Whitley, Bell, Harlan, Leslie, Perry and Letcher."

"Sec. 8. Seventh District—Clark, Montgomery, Bath, Estill, Powell, Menefee, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Wolfe, Morgan, Elliott, Lawrence, Boyd, Johnson and Martin."

The question being taken on the passage of said bill, the objections of the Governor to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Lackey,	W. H. Ragland,
T. H. Armstrong,	Joseph F. Laufer, ,	J. S. Robey,
B. W. Bradburn,	J. M. Lee,	S. Atwood Smith,
A. C. Brown,	J. R. Mallory,	F. G. Shepherd,
J. L. Brown,	J. D. Mocquot,	J. A. Small,
Reuben Conner,	J. R. Mount,	O. P. Searcy,
A. H. Charlton,	J. J. Marquette,	Miles Spurlock,
W. W. Combs,	W. J. Mears,	Waller Sharp,
T. W. Clark,	John M. Moore,	G. B. Stout,
W. T. Chilton,	W. H. McKee,	Ham. Shehan,
W. H. Cooke,	W. A. Morris,	B. F. Saunders,
J. C. Cantrill,	J. Mc. Meloan,	A. J. Thompson,
J. E. Cahill,	M. F. North,	Frank M. Tracy,

J. Morgan Chinn,	Chas. Aaron Nelson,	South Trimble,
A. S. Denton,	Emmett Orr,	George Traver,
Claude Desha,	Michael O'Sullivan,	L. E. Weatherford,
W. C. Holland,	L. J. Owen,	C. A. Wilson,
J. A. Humphreys,	Harry C. Pulliam,	R. E. Watkins,
W. C. G. Hobbs,	E. Petty,	R. C. Walker,
John T. Hinton,	V. Perkins,	J. D. Wills,
W. B. Henderson,	A. B. Pieratt,	Jas. H. Williams—65.
G. W. Hickman,	L. C. Rawlings,	

Those who voted in the negative were:

W. H. Cole,	J. P. Haswell, Jr.,	J. H. Minor,
John Collins,	J. A. Ingram,	Chas. F. Ogden,
M. T. Freeman,	J. P. Jeffries,	E. H. Read,
C. W. Haverly,	R. C. Jarnagin,	G. Weissinger Smith,
J. S. Hood,	D. D. Lykins,	Andrew Sargent,
James M. Hall,	R. C. Myers,	H. S. Vanzant,
J. H. Hall,	F. May,	David Woods—21.

Resolved, That said bill do pass, the objections of the Governor to the contrary notwithstanding, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had adopted:

S. Res. 3. Resolution providing for payment of balance of salary of Caswell Bennett to his widow, Mary C. Bennett.

The objections of the Governor to the contrary notwithstanding.

The objections of the Governor and said resolution was read as follows, viz:

COMMONWEALTH OF KENTUCKY,	}
EXECUTIVE DEPARTMENT,	
FRANKFORT, KY., March 14, 1898.	

To the the Senate of Kentucky:

Gentlemen: Senate Resolution No. 3 is herewith returned without approval.

On the twenty-seventh day of March, 1896, I vetoed a resolution, framed in substantially the same words as this.

Since that time I have had no reason to change the opinion then entertained.

Sympathy for the living and respect for the dead should not control in a matter of this character. That either emotion might prompt those who are generous to contribute liberally from their own means, can not be denied; but such emotions do not justify an expression of generosity at the expense of the taxpayers of the State. This resolution appropriates out of the Treasury the sum of thirteen hundred and twenty-seven dollars, being the salary of a judge of the Court of Appeals during the period named therein.

On the sixteenth day of August, 1894, the successor of Judge Bennett was appointed and served out the fraction of Judge Bennett's term.

So that during the period covered by the resolution, save seven days, the State was paying the full salary to Judge Bennett's successor.

The effect of the resolution is to have the Commonwealth pay the salary of two judges of the Court of Appeals from the same district, during the same period, when it was receiving in return the services of but one. In other words, the resolution compels the payment of a salary already paid.

I find no provision in the Constitution authorizing payment for services which have not been rendered. It is true that such appropriations have been made in the past, but it is equally as true that they have been refused, notably in the instance of Mrs. James H. Garrard, when a bill was introduced to pay her a portion of the salary to which her husband would have been entitled, had he not died.

It is declared among other things in section 3, Bill of Rights, embraced in the State Constitution: "No grant of exclusive, separate public emoluments or privileges shall be

made to any man, or set of men, except in consideration of public service."

This does not and can not mean that those who have performed public service, however able, for which they have been paid, are entitled to be again remunerated; and it surely does not imply that when one was dead and did not and could not perform public service, which service was performed by another should receive compensation therefor through a survivor or representative.

Besides, the Commonwealth is largely indebted, and it appears to me that we should "be just before we are generous."

Respecting the memory of the lamented dead and sincerely sympathizing with his widow, I am nevertheless impelled under my oath of office to refuse to sign the resolution.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said resolution was read as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Auditor of Public Accounts be and he is hereby instructed to draw his warrant on the Treasurer in favor of Mrs. Mary C. Bennett, widow of Caswell Bennett, late Chief Justice of the Court of Appeals of Kentucky for, and said Treasurer is directed to pay to her any balance that would have been due her said husband on his salary as judge of the Court of Appeals of Kentucky from the date of his death, to-wit, ninth day of August, 1894, up to the thirty-first day of December, 1894.

The question being taken on the adoption of said resolution, the objections of the Governor, to the contrary notwithstanding, it was decided in the affirmative.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	S. Atwood Smith,
T. H. Armstrong,	G. W. Hickman,	G. Weissinger Smith,
B. W. Bradburn,	Anderson Hatfield,	F. G. Shepherd,
A. C. Brown,	Joseph F. Laufer,	J. A. Small,
George H. Bishop,	J. M. Lee,	O. P. Searcy,
Reuben Conner,	J. R. Mallory,	Miles Spurlock,
A. H. Charlton,	J. D. Mocquot,	Waller Sharp,
T. W. Clark,	John M. Moore,	G. B. Stout,
W. H. Cooke,	W. H. McKee,	Ham. Shehan,
J. C. Cantrill,	W. A. Morris,	B. F. Saunders,
J. E. Cahill,	Emmett Orr,	Frank M. Tracy,
J. Morgan Chinn,	Michael O'Sullivan,	South Trimble,
A. S. Denton,	Harry C. Pulliam,	George Traver,
Claude Desha,	E. Petty,	C. A. Wilson,
W. C. Holland,	V. Perkins,	R. E. Watkins,
J. A. Humphreys,	L. C. Rawlings,	R. C. Walker,
W. C. G. Hobbs,	W. H. Ragland,	Jas. H. Williams-52.
John T. Hinton,		

Those who voted in the negative were:

W. H. Cole,	J. P. Haswell, Jr.,	M. F. North,
W. W. Combs,	J. A. Ingram,	Chas. Aaron Nelson.
W. T. Chilton,	J. P. Jeffries,	L. J. Owen,
John Collins,	R. C. Jarnagin,	E. H. Read,
M. T. Freeman,	D. D. Lykins,	J. S. Robey,
W. W. Gill,	J. R. Mount,	Andrew Sargent,
C. W. Haverly,	J. J. Marquette,	A. J. Thompson.
J. S. Hood,	R. C. Myers,	H. S. Vanzant,
James M Hall,	F. May,	David Woods,
J. H. Hall,	J. H. Minor,	J. D. Wills-30.

Resolved, That said resolution be adopted, the objections of the Governor to the contrary notwithstanding, and that title thereof be as aforesaid.

The House took from the calendar bills and resolutions of the following titles, viz:

1. S. Res. 15. Resolution for the benefit of W. W. Prine, of Livingston county.
2. S. B. 207. An act to amend section 53, of an act entitled, "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893.
3. S. Res. 20. Resolution authorizing suit against the State of Kentucky for certain claims against the State.
4. S. B. 87. An act to amend sections 149 and 150, of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893, now being section 1279 of chapter 36 of Kentucky Statutes.
5. S. Res. 21. Resolution for the benefit of Wm. D. Overton and J. K. Dixon.
6. S. B. 120. An act to amend subsection 1 and 2 of section 20, chapter 42, General Statutes.
7. S. Res. 19. Resolution providing for paying the ministers of Frankfort for opening the Houses with prayer.

Said bills and resolutions were read the second time and placed in the orders of the day.

Mr. Moore, of the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

S. B. 147. An act to amend and re-enact an act entitled, "An act fixing the times and terms of circuit courts composing the several judicial districts in this Commonwealth," approved December 22, 1892, so far as the same applies to the twenty-third circuit court district.

S. B. 159. An act to authorize the board of trustees of

Henderson high school to transfer and convey its school building and lot and all other property of the board of education of the City of Henderson, and to admit pupils from Henderson county to high school to be established by the board of education of the city of Henderson, etc.

S. B. 38. An act to establish the office of physician to the jail in counties having a population of one hundred and fifty thousand or more.

S. B. 56. An act to amend and re-enact an act entitled, "An act for the government of cities of the second class," approved March 19, 1894.

S. B. 97. An act for the benefit of ex-sheriffs of this Commonwealth.

S. B. 107. An act concerning the assessment and valuation for taxation of franchises and intangible property by cities of the first and second class.

S. Res. 8. Resolution for the benefit of circuit court clerks.

S. Res. 13. Resolution providing for the fitting up and furnishing of rooms for the use of the State Library.

And had found the same correctly enrolled.

Said bills and resolutions were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Moore reported that the committee had performed that duty.

Mr. Moore, of the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the House of the following titles, viz:

H. B. 2. An act to amend an act entitled, "An act for the



protection of purchasers, lessees and encumbrancers of real estate," approved March 7, 1896.

H. B. 75. An act to amend section 4434, article 8, of the Kentucky Statutes, title "District trustees."

H. B. 82. An act to repeal in part chapter 1069 of the acts of 1867, approved January 22, 1867.

H. B. 126. An act to allow towns where no registration is required to hold separate elections.

H. B. 212. An act to make gold and silver coin of the United States legal tender in the payment of all debts, and to prohibit the making of any contract for the payment of money in any other currency than the general currency of the United States.

H. B. 142. An act requiring the appointment of at least one woman physician in certain institutions in this Commonwealth.

H. B. 284. An act to amend an act entitled, "An act relating to revenue and taxation," approved November 11, 1892.

H. B. 248. An act to provide for the creation and government of suburban districts.

H. B. 402. An act for the benefit of Lakeland Asylum.

H. B. 434. An act to provide for county police in certain counties.

H. B. 454. An act to repeal an act entitled, "An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville," approved March 28, 1873.

And had found the same correctly enrolled.

Said bills and resolutions were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in

open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Moore reported that the committee had performed that duty.

The House took a recess until 3 o'clock, P. M.

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#### AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Speaker Beckham in the chair.

A message was received from the Senate announcing that they had adopted:

Resolution providing for a joint session of the two Houses at 11 o'clock, Tuesday, March 15, for the purpose of electing three election commissioners for the State.

Said resolution was twice read and adopted.

Mr. Cooke moved to reconsider the vote by which the House rejected:

S. B. 152. An act to amend and re-enact section 10, of article 1, of an act entitled, "An act for the creation and regulation of private corporations," which became a law April 5, 1893.

Said motion was adopted.

Said bill was then passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	W. B. Henderson,	A. B. Pieratt,
T. H. Armstrong,	G. W. Hickman,	L. C. Rawlings,

B. W. Bradburn,	J. M. Lee,	W. H. Ragland,
A. C. Brown,	J. R. Mallory,	J. S. Robey,
J. L. Brown,	J. R. Mount,	S. Atwood Smith,
Reuben Conner,	W. J. Mears,	G. Weissinger Smith,
A. H. Charlton,	John M. Moore,	F. G. Shepherd,
T. W. Clark,	W. H. McKee,	J. A. Small,
W. T. Chilton,	W. A. Morris,	Miles Spurlock,
W. H. Cooke,	J. Mc. Meloan,	Waller Sharp,
J. C. Cantrill,	M. F. North,	G. B. Stout,
J. Morgan Chinn,	Chas. Aaron Nelson,	Ham. Shehan,
A. S. Denton,	Emmett Orr,	B. F. Saunders,
Claude Desha,	Michael O'Sullivan,	A. J. Thompson,
W. W. Gill,	L. J. Owen,	South Trimble,
W. C. Holland,	Harry C. Pulliam,	L. E. Weatherford,
J. A. Humphreys,	E. Petty,	C. A. Wilson,
W. C. G. Hobbs,	W. C. Pike,	R. E. Watkins,
John T. Hinton,	V. Perkins,	R. C. Walker—57.

Those who voted in the negative were:

Bruce Adkins,	J. H. Hall,	R. C. Myers,
George H. Bishop,	J. P. Haswell, Jr.,	F. May,
W. H. Cole,	J. P. Jeffries,	E. H. Read,
M. T. Freeman,	R. C. Jarnagin,	O. P. Searcy,
C. W. Haverly,	J. H. Lackey,	Frank M. Tracy,
J. S. Hood,	D. D. Lykins,	H. S. Vanzant,
James M. Hall,	J. J. Marquette,	David Woods—21.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 198. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows,  
viz: .

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Section 1. That the mayor, with the consent of the general council, by contract, may enter into an arrangement, for a period not exceeding five years, and renew the same from time to time thereafter, with the association or corporation owning or controlling an existing library in any such city which contains not less than fifty thousand volumes, to the end that such library shall be free and open to the public, and all persons residing or sojourning in any such city at all reasonable times and under proper and reasonable regulations (except that it may be closed on Sunday if deemed proper by such association or corporation). In said contract it shall be provided that such library shall, during the period thereby covered, be open and free to the general public as aforesaid, the uses, privileges and facilities thereof, subject to the reasonable and proper direction and regulation of its governing body, being equal and free to all persons applying therefor; that it shall be non-sectarian and be so conducted, and its reading-room or rooms and its circulating department shall be maintained free and open to the general public.

Sec. 2. As consideration for such public use, such city shall annually in its ordinance fixing the tax rate, include a levy for library purposes not exceeding two cents on each one hundred dollars' worth of property assessed for taxation for city purposes, and the amount levied as above shall annually be passed to the credit of the library fund upon the books of said city, and the said amounts as collected shall be paid over to the association or corporation aforesaid by the treasurer in regular weekly installments, the first payment to be made within one week after the collection of said amount shall have been commenced, and the other payments to be made weekly thereafter in current money by the said treasurer as collected; and all money so received by such association or corporation shall be used in conducting and maintaining

said library for the public purposes aforesaid and for none other. Said corporation or association shall annually in the month of September, make a report to the mayor showing statistics covering the attendance at and the use of the books of the library, the receipts and expenditures of all monies handled by it during the year, and such other information as may bear upon the usefulness of said library to the public.

Sec. 3. That section 196, chapter 244, acts 1891-2-3, an act entitled, "An act for the government of cities of the first class," approved July 1, 1893, be amended by inserting before the words, "and deficit tax," in lines ten and eleven thereof the following words: "A levy for library purposes," so that said section when so amended shall read as follows:

"In the ordinance fixing for any year the tax rate, the general council shall subdivide its levy as follows: A levy for schools, a levy for the sinking fund, a levy for police purposes, a levy for the fire department, a levy for street and sewer cleaning, a levy for sprinkling streets, a levy for the reconstruction of streets, a levy for street repairs, a levy for construction and repair of sewers, a levy for the House of Refuge, a levy for charitable institutions, a levy for parks a levy for general purposes, a levy for library purposes and a deficit tax. The general council may omit any of the foregoing levies when not demanded by the public interests."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	V. Perkins,
Bruce Adkins,	J. P. Jeffries,	W. C. Pike,
T. H. Armstrong,	R. C. Jarnagin,	A. B. Pieratt,
B. W. Bradburn,	J. H. Lackey,	L. C. Rawlings,
A. C. Brown,	D. D. Lykins,	W. H. Ragland,
J. L. Brown,	Joseph F. Laufer,	E. H. Read,

W. H. Cole,	J. M. Lee,	J. S. Robey,
Reuben Conner,	J. R. Mallory,	S. Atwood Smith,
A. H. Charlton,	Reuben Morris,	G. Weissinger Smith,
T. W. Clark,	J. R. Mount,	F. G. Shepherd,
W. T. Chilton,	J. J. Marquette,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Miles Spurlock,
J. C. Cantrill,	R. C. Myers,	Waller Sharp,
J. Morgan Chinn,	John M. Moore,	G. B. Stout,
A. S. Denton,	W. H. McKee,	Ham. Shehan,
Claude Desha,	F. May,	B. F. Saunders,
M. T. Freeman,	J. H. Minor,	A. J. Thompson,
W. W. Gill,	W. A. Morris,	Frank M. Tracy.
W. C. Holland.	J. Mc. Meloan,	South Trimble,
C. W. Haverly,	M. F. North,	H. S. Vanzant,
J. S. Hood,	Chas. Aaron Nelson,	L. E. Weatherford,
J. A. Humphreys,	Emmett Orr,	C. A. Wilson,
W. C. G. Hobbs,	Michael O'Sullivan,	C. B. Wheeler,
James M. Hall,	L. J. Owen,	R. E. Watkins,
John T. Hinton,	Harry C. Pulliam,	R. C. Walker,
J. P. Haswell, Jr.,	E. Petty,	David Woods—79.
W. B. Henderson,		

Those who voted in the negative were:

John Collins, J. H. Hall—2.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 104. An act to regulate the practice of pharmacy in the Commonwealth of Kentucky, and to establish a board of pharmacy and to define the powers and duties thereof.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That except as in this act provided, it shall hereafter be unlawful in the Commonwealth of Kentucky for any who is not a registered pharmacist, within the meaning of this act, to vend at retail, compound or dispense any drug, medicine, chemical, poison or pharmaceutical preparation for medical use, or compound and dispense physicians' prescriptions. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine of not less than twenty nor nor more than fifty dollars for each and every offense.

Sec. 2. Any owner of a pharmacy or retail drug store, who, not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy or drug store a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions or the vending at retail of drugs, medicines, poisons or pharmaceutical preparations in his store or place of business, except by or in the presence and under the immediate supervision of a registered pharmacist, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars and each week that he shall cause or permit such pharmacy or retail drug store to be so conducted or managed shall constitute a separate and distinct offense, and render him liable to separate prosecution and punishment therefor.

Sec. 3. The members of the present State Board of Pharmacy shall serve until the expiration of the time for which they have been appointed, and they, with their successors, shall constitute the "Kentucky Board of Pharmacy." At its regular annual meeting in each and every year after the enactment of this law, the Kentucky Pharmaceutical Association shall select and submit to the Governor the names of five persons, who have had five years experience in compounding and dispensing physicians' prescriptions in the Commonwealth

of Kentucky, and the Governor shall, before the first day of October of each year, appoint from the names so submitted one person, as the term of each of those now holding office expire, who shall hold his office for five years, and until his successor is appointed and qualified, unless removed for cause. Any vacancy that may occur in said board shall be filled for the unexpired term by the Governor from the names last submitted. Each member of said board shall, within ten days after he receives his appointment, take and subscribe to an oath or affirmation, before a competent officer, to faithfully and impartially perform the duties of his office, which oath or affirmation shall be inscribed upon his commission. Not more than two members of said board shall be residents of the same county. No member of said board shall be reappointed within one year of the expiration of his term of office.

Sec. 4. The said board shall meet in the month of October of each year, and organize by the election of a president, secretary and treasurer from its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of said board to examine all applicants for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to investigate complaints, and to cause the prosecution of all persons violating the provisions of this act; to report annually to the Governor and to the Kentucky Pharmaceutical Association upon the condition of pharmacy in the Commonwealth, which report shall also furnish a record of the proceedings of said board for the year, and also the names of all pharmacists duly registered under this act during that fiscal year, and shall include an itemized account of all money received and expended by said board. The said board shall keep a book of registration open at some convenient place in Louisville, Kentucky, of which due notice shall be given in three or more newspapers



of general circulation in the State in which shall be entered the name and place of business of all persons registered under this act, which book shall also specify such facts as said persons shall claim to justify their registration. The said board shall hold meetings for the examination of applicants for registration, and the transaction of such other business as shall pertain to its duties, at least once in three months, said meetings to be held on the second Tuesday of January, April, July and October of each year, in such cities as the said board may select, and shall give thirty days notice of the time and place of such meetings. It shall also keep a book of record of all its transactions. The records of said board, or a copy of any part thereof, certified by the secretary to be a true copy, attested by the seal of the board, shall be accepted as competent evidence in all courts of this Commonwealth. The said board shall have power to make by-laws for the proper execution of its duties under this act. Three members of said board shall constitute a quorum.

Sec. 5. The secretary of the board shall receive such salary as the board may determine, which shall not exceed five hundred dollars a year. He shall also receive his traveling and other necessary expenses incurred in the performance of his official duties. The other members of said board shall receive the sum of five dollars for each day actually engaged in the service thereof, and all legitimate and necessary expense incurred in attending the meetings of said board; or while performing strictly official duties. Said salaries and per diem shall be paid after an itemized statement of the same has been rendered and approved by the board, from the fees and penalties received by said board under the provisions of this act. The secretary shall collect all money due the board from all sources, and shall pay the same to the treasurer within thirty days, taking his receipt therefor. The treasurer shall give bond in such sum as the board may determine, which at to time shall be for a less amount than is in his hands belonging to said board.

Sec. 6. Every person who shall, on or before the first day of July, 1898, furnish the Kentucky Board of Pharmacy satisfactory proof, supported by his affidavit, that he was engaged in the business of dispensing pharmacist on his own account, in a town or place of less than one thousand inhabitants, in the Commonwealth of Kentucky, at the time of the passage of this act, in the preparation of physicians' prescriptions, and every person who heretofore has had as much as five years experience in the preparation of physicians' prescriptions, and shall furnish the Kentucky Board of Pharmacy satisfactory proof of such facts accompanied by his affidavit showing said fact shall, upon the payment to the board of a fee of two dollars, be granted the certificate of a registered pharmacist, without examination; Provided, That in case of a failure or neglect to register as herein provided, then such person shall, in order to be registered, comply with the requirements provided for registration as a registered pharmacist herein prescribed.

Sec. 7. Any person not entitled to registration, as provided in section 6, and who may desire a certificate as registered pharmacist, shall apply to the Kentucky Board of Pharmacy, and shall pay the secretary of the board the sum of five dollars. If the board shall find that he has had a practical experience of three years in compounding physicians' prescriptions and in the general duties of pharmacy, is a person of good moral character and temperate habits, and, if, after a satisfactory examination, they find that he is duly qualified they shall register him, and issue him a certificate as registered pharmacist.

Every certificate hereafter issued under this act shall have plainly written, printed or stamped upon the face thereof the words, "revocable for the causes specified by law," and all certificates awarded upon examination shall state such facts upon the face thereof.

Sec. 8. Persons, who, at the time of the enactment of this

law, hold certificates of registration as pharmacists, granted by the State Board of Pharmacy of Kentucky, shall not be required to register under this law, but shall apply for and secure annual renewals thereof, as provided in this act, and in all other respects shall be amenable to the provisions of this act.

Sec. 9. Each registered pharmacist shall annually, during the month of January, if he desires to continue in such business, pay to the said board a renewal fee, to be fixed by the board, but which shall not exceed one dollar, for which he shall receive a renewal of said registration. Every person receiving a certificate under this act shall keep the same conspicuously exposed in his place of business. Every registered pharmacist shall, within ten days after changing his place of business, as designated by his certificate, notify the secretary of the board of his new place of business, and inclose a fee of fifty cents, upon receipt of which the secretary shall make the necessary change in his register.

Any registered pharmacist who shall fail or neglect to procure his annual renewal of registration, or to comply with the other provisions of this section, shall forfeit his right to act as such pharmacist at the expiration of sixty days from the time notice of such failure to comply with the provisions of this section shall have been mailed to his last address by the secretary of the board.

The secretary of the board shall annually publish a list of all persons who are duly registered as pharmacists in this Commonwealth, and shall mail a copy of same to each registered pharmacist. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist who may have died, removed from, or has forfeited his right under the law to do business in this Commonwealth.

Any registered pharmacist who shall sever his connection with the drug business for a period of five successive years shall not be entitled to renew his registration, except upon

passing a satisfactory examination before the board of pharmacy, as provided in this act.

Sec. 10. Any person who shall procure, or attempt to procure, registration for himself or for another, under this act, by making or causing to be made any false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register. Any person not a registered pharmacist, as provided in this act, who shall take, use or exhibit the title of registered pharmacist, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a penalty of not less than fifty nor more than two hundred dollars. Any registered pharmacist who shall be in the habit of being intoxicated shall be deemed guilty of a misdemeanor, and upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than fifty dollars for the first offense, and upon conviction for a second offense, in addition to such fine, his name shall be stricken from the register, and his certificate of registration revoked by the board.

Sec. 11. No person shall add to or remove from, or cause to be added to or removed from, any drug, chemical or medicinal preparation, any ingredient or material, for the purpose of adulteration or substitution, which shall deteriorate the quality, commercial value or medical effect, or which shall alter the nature or composition of such article, so that all will not correspond to the recognized tests of identity and purity. Any person who shall thus willingly adulterate or alter, or cause to be adulterated or altered, or shall sell or offer for sale, any such drug, chemical or medicinal preparation, or any person who shall substitute or cause to be substituted one material for another, with the intention to defraud or deceive the purchaser shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred nor more than

five hundred dollars, and, if a registered pharmacist, his name shall be stricken from the register, and his certificate of registration revoked. On complaint being made, the board of pharmacy is hereby empowered to employ an expert chemist or analyst to examine into the so-called adulteration and report upon the result of his investigation, and if said report shall be deemed to justify such action, the board shall cause the prosecution of the offender, and if found guilty, he shall be adjudged to pay, in addition to the fine before provided for, all the costs of inspecting and analyzing such adulterated articles.

Sec. 12. No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel or package containing same, a label printed or plainly written, containing the name of the article, the word "poison" and the name and place of business of the seller, with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes.

A poison in the meaning of this act shall be any drug, chemical or preparation, which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less.

It shall be the further duty of any one selling or dispensing poisons, which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter into a book kept for that purpose, the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of, and the purpose for which it is said to be intended, which book of registry shall be kept for at least two years and shall at all times be open to the inspection of the coroner of the county in which the same may be kept.

Oil of tansy, oil of savin, ergot and its preparation, cotton root and its preparations and all other active emenagogues

or abortives, shall be sold at retail or dispensed only upon the written prescription of a legally qualified physician.

The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses, on physicians' prescription, nor to the sale to agriculturists or horticulturists, of such articles as are commonly used by them as insecticides.

Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall pay a fine of not less than ten dollars.

Sec. 13. Any person or persons, not a registered pharmacist, may open, own, or conduct a drug store or pharmacy, if he or they keep constantly in charge of the same a registered pharmacist; but shall not himself or themselves sell or dispense drugs or medicines, except proprietary or patent medicines in original packages.

Sec. 14. Nothing in this act shall be construed so as to apply to, or in any manner interfere with, the sale of the usual non-poisonous domestic remedies and medicines, and patent or proprietary medicine, by country stores in small places or rural districts.

Nothing in this act shall apply to, or in any manner interfere with the business of any licensed practicing physician, or prevent him from supplying to his patients such articles as may seem to him proper, or with his compounding his own prescriptions.

Sec. 15. All pharmacists registered under this act while engaged in any store for retailing drugs, medicines or poisons, shall be exempt from serving on a jury.

Sec. 16. All circuit judges are required to give this act in charge to each grand jury impanelled in their courts.

Sec. 17. All prosecutions under this act shall be in the name of the Commonwealth of Kentucky, in any court having jurisdiction. It shall be the duty of the Kentucky Board of Phar-

macy to investigate all complaints of disregard, non-compliance with, or violations of the provisions of this act, and to bring all such cases to the notice of county attorney of the county where such person is doing business, and it shall be the duty of such county attorney to diligently prosecute to effect any such violations. All penalties collected under the provisions of this act, after payment of all costs, including the commission allowed by law to the various officers, shall inure one-half to the Kentucky Board of Pharmacy, and one-half to the school fund of the school district in which the offense was committed.

Sec. 18. All acts or portions of acts regulating the practice of pharmacy, and the sale of poisons, within this Commonwealth, enacted prior to the passage of this act, are hereby repealed.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	J. S. Robey,
T. H. Armstrong,	W. B. Henderson,	S. Atwood Smith,
B. W. Bradburn,	J. H. Lackey,	G. Weissinger Smith,
A. C. Brown,	Joseph F. Laufer,	F. G. Shepherd,
T. W. Clark,	J. R. Mallory,	Waller Sharp,
W. H. Cooke,	J. D. Mocquot,	G. B. Stout,
J. C. Cantrill,	J. R. Mount,	Frank M. Tracy,
John Collins,	R. C. Myers,	South Trimble,
A. S. Denton,	John M. Moore,	C. A. Wilson,
W. W. Gill,	W. H. McKee,	C. B. Wheeler,
J. S. Hood,	J. H. Minor,	R. E. Watkins,
J. A. Humphreys,	M. F. North,	David Woods,
W. C. G. Hobbs,	Harry C. Pulliam,	Jas. H. Williams-41
John T. Hinton,	E. H. Read,	

Those who voted in the negative were:

Bruce Adkins,	R. C. Jarnagin,	W. C. Pike,
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J. L. Brown,	D. D. Lykins,	V. Perkins,
W. H. Cole,	J. M. Lee,	A. B. Pieratt,
Reuben Conner,	Reuben Morris,	L. C. Rawling,
A. H. Charlton.	J. J. Marquette,	W. H. Ragland,
W. W. Combs,	W. J. Mears,	J. A. Small,
J. Morgan Chinn,	F. May,	Miles Spurlock,
Claude Desha,	W. A. Morris,	Ham. Shehan,
W. C. Holland,	J. Mc. Meloan,	A. J. Thompson,
James M. Hall,	Chas. Aaron Nelson,	George Traver,
J. H. Hall,	Emmett Orr,	H. S. Vanzant,
G. W. Hickman,	L. J. Owen,	L. E. Weatherford,
J. P. Jeffries,	E. Petty,	R. C. Walker—39.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Moore, of the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate of the following title, viz:

S. B. 198. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1892.

And had found the same correctly enrolled.

Said bill was then read at length and compared in the presence of the House and found to be correctly enrolled.

When the Speaker of the House of Representatives in open session affixed his signature thereto, and it was delivered to the Senate.

After a short time Mr. Moore reported that the Committee had performed that duty.

And then the House adjourned.



TUESDAY, MARCH 15, 1898.

The House was opened with prayer by Rev. G. W. McCready of the Episcopal church.

Mr. Speaker Beckham in the chair.

The Journal of yesterday was approved.

The House took from the orders of the day:

S. Res. 20. Resolution authorizing suit against the State of Kentucky for certain claims against the State.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz:

Whereas, W. Carpenter, H. B. Lyons and J. M. Thomas have rendered certain services to the State of Kentucky in the construction of the branch prison at Eddyville, Ky., for which they have not been paid; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That said W. Carpenter, H. B. Lyons and J. M. Thomas, or their heirs or personal representatives, if any of said parties be deceased, be and they are hereby authorized to institute suit for payment of said services against this Commonwealth in the Franklin Circuit Court.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. H. Hall,	E. Petty,
B. W. Bradburn,	John T. Hinton,	L. C. Rawlings,
J. L. Brown,	J. P. Haswell, Jr.,	W. H. Ragland,

George H. Bishop,	G. W. Hickman,	G. Weissinger Smith,
Reuben Conner,	J. H. Lackey,	F. G. Shepherd,
A. H. Charlton,	Joseph F. Laufer,	O. P. Searcy,
W. W. Combs,	John M. Letterle,	Waller Sharp,
T. W. Clark,	J. M. Lee,	G. B. Stout,
W. T. Chilton,	J. R. Mallory,	B. F. Saunders,
W. H. Cooke,	J. D. Mocquot,	Frank M. Tracy,
J. C. Cantrill,	J. R. Mount,	South Trimble,
J. E. Cahill,	J. J. Marquette,	George Traver,
J. Morgan Chinn,	W. A. Morris,	C. A. Wilson,
A. S. Denton,	J. Mc. Meloan,	C. B. Wheeler,
Claude Desha,	Chas. Aaron Nelson,	R. E. Watkins,
W. C. Holland,	Emmett Orr,	David Woods,
J. A. Humphreys,	L. J. Owen,	Jas. H. Williams—53.
W. C. G. Hobbs,	Harry C. Pulliam,	

Those who voted in the negative were:

M. T. Freeman,	A. B. Pieratt,	Ham. Shehan,
W. W. Gill,	E. H. Read,	A. J. Thompson,
J. P. Jeffries,	J. S. Robey,	H. S. Vanzant,
R. C. Myers,	J. A. Small,	L. E. Weatherford,
M. F. North,	Miles Spurlock,	J. D. Wills—15.

Resolved, That said resolution be adopted and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. Res. 19. Resolution providing for the paying of the ministers of Frankfort for opening the Houses with prayer.

Mr. Williams moved to strike out three hundred dollars and insert in lieu thereof one hundred dollars.

Said amendment was rejected.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Auditor of Public Account be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of three hundred dollars to be paid the several ministers of the gospel for opening the present session of the General Assembly with prayer. Said warrant to be drawn in favor of Wm. Cromwell, chief clerk of the Senate, and he will divide and pay said money to the persons entitled thereto.

Sec. 2. Whereas, They have performed the services for which this money is to be paid, an emergency is hereby declared to exist, and this resolution shall take effect from its approval by the Governor.

The yeas and nays being required thereon were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	L. C. Rawlings,
B. W. Bradburn,	J. H. Lackey,	W. H. Ragland,
A. C. Brown,	D. D. Lykins,	G. Weissinger Smith,
J. L. Brown,	Joseph F. Laufer,	F. G. Shepherd,
George H. Bishop,	John M. Letterle,	J. A. Small,
Reuben Conner,	J. M. Lee,	O. P. Searcy,
A. H. Charlton,	J. R. Mallory,	Waller Sharp,
W. W. Combs,	J. D. Mocquot,	G. B. Stout,
W. H. Cooke,	J. J. Marquette,	B. F. Saunders,
J. C. Cantrill,	R. C. Myers,	A. J. Thompson,
J. E. Cahill,	W. A. Morris,	Frank M. Tracy,
J. Morgan Chinn,	J. Mc. Meloan,	South Trimble,
Claude Desha,	M. F. North,	George Traver,
M. T. Freeman,	Emmett Orr,	C. A. Wilson,
J. S. Hood,	Chas. F. Ogden,	C. B. Wheeler,
W. C. G. Hobbs,	L. J. Owen,	R. E. Watkins,
John T. Hinton,	Harry C. Pulliam,	R. C. Walker,

J. P. Haswell, Jr.,	E. Petty,	Spk'r Beckham—56.
W. B. Henderson,	V. Perkins,	

Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	E. H. Read,
T. W. Clark,	R. C. Jarnagin,	J. S. Robey,
W. T. Chilton,	J. R. Mount,	Miles Spurlock,
W. W. Gill,	F. May,	H. S. Vanzant,
W. C. Holland,	J. H. Minor,	David Woods,
J. A. Humphreys,	Chas. Aaron Nelson,	Jas. H. Williams—19.
James M. Hall,		

Resolved, That said resolution be adopted and that the title thereof be as aforesaid.

A message was received from the Governor in writing as follows, viz;

COMMONWEALTH OF KENTUCKY,	}
EXECUTIVE DEPARTMENT,	
FRANKFORT, Ky., March 15, 1898.	

To the Kentucky House of Representatives:

I have received information from the mayor of Middlesborough that there are now seventy cases of small-pox in the city and four hundred suspects; that the county court of Bell county refuses to make any appropriation, and the city of Middlesborough has no money to make the appropriation necessary to care for those who are sick, and guard those who have exposed themselves to the disease. I am also informed that those afflicted with the disease are left without food. I understand that this terrible disease is prevailing in other portions of Kentucky.

The Board of Health has no appropriation out of which they can extend any aid.

It appears to me that the interest of humanity, as well as the best interest of the entire State, demands that your body should take immediate action concerning this matter.

Under these circumstances I most earnestly recommend that you make such appropriation as you may think necessary to prevent the further spread of the disease. This appropriation might be placed under the control of the chairman of the State Board of Health, with directions that he make report at the next meeting of the Legislature of the disposition he has made of same.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

A message was received from the Governor as follows, viz:

COMMONWEALTH OF KENTUCKY,  
EXECUTIVE DEPARTMENT,  
FRANKFORT, KY., March 15, 1898. }

Gentlemen of the House of Representatives of Kentucky:

House Bill No. 87 is herewith returned without my signature.

The bill undertakes to amend section 29 of an act for the government of cities of the second class, by conferring on the jailer of such cities the right to contract with the city in furnishing macadam for streets. This privilege is attempted to be conferred as a part of the section which prescribes the qualification and duties of that officer and is therefore wholly foreign to it.

Section 12 of article 10, of the act attempted to be amended, prohibits, under penalty, any city officer from being or becoming directly or indirectly interested in any contract with, or work done by or supplies furnished for the city. A similar provision will be found in the charter of cities of every class.

This act therefore confers special privileges upon one of a class, which is denied to every other member of that class, and is in conflict with the entire law regulating municipalities.

The purpose of that law was and is to prevent corruption in city government.

Believing the bill to be impolitic, unwise and unconstitutional, I am compelled to return it without signature.

Respectfully,

WILLIAM O. BRADLEY,

Governor of Kentucky.

Said bill was read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 28, of article 6, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," be amended by adding after the word "qualified," in the fourth line thereof, the following: "He shall be allowed to contract with the city in furnishing madacam for streets, but in no other way. He shall perform such duties and receive such compensation as the general council may by ordinance prescribe. The city jailer shall be furnished a deputy jailer, said deputy to be appointed by the jailer, subject to the approval and confirmation of the board of aldermen; said deputy shall perform such duties and receive such compensation as the general council may prescribe, so that said section when amended will read as follows:

"Sec. 28. There shall be elected by the qualified voters of the city, a city jailer, who shall be not less than 25 years of age and an elector of the city. He shall hold his office for four years, and until his successor is elected and qualified. He shall be allowed to contract with the city in furnishing madacam for streets, but in no other way. He shall perform such duties and receive such compensation as the general council may by ordinance prescribe; the city jailer shall be furnished with a deputy jailer. Said deputy to be appointed by the jailer, subject to the approval and confirmation of the board of aldermen. Said deputy shall perform such duties and receive such

compensation as the general council may prescribe. This act shall only apply to cities of the second class having salaried city jailers. All laws and parts of laws in conflict with this act as amended are hereby repealed." Inasmuch as many cities of the second class desire to do immediate work under the provisions of this act an emergency is declared to exist, and this act shall take effect from its passage.

Said bill was then passed, the objections of the Governor to the contrary notwithstanding.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz;

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	G. Weissinger Smith,
B. W. Bradburn,	J. H. Lackey,	J. A. Small,
A. C. Brown,	Joseph F. Laufer,	O. P. Searcy,
J. L. Brown,	John M. Letterle,	Miles Spurlock,
Geo. H. Bishop,	J. M. Lee,	Waller Sharp,
Reuben Conner,	J. R. Mallory,	G. B. Stout,
A. H. Charlton,	J. D. Mocquot,	Ham. Shehan,
W. W. Combs,	J. R. Mount,	B. F. Saunders,
T. W. Clark,	J. J. Marquette,	A. J. Thompson,
W. H. Cooke,	J. Mc. Meloan,	Frank M. Tracy,
J. C. Cantrill,	M. F. North,	South Trimble,
J. E. Cahill,	Chas. Aaron Nelson,	George Traver,
J. Morgan Chinn,	L. J. Owen,	L. E. Weatherford,
A. S. Denton,	Harry C. Pulliam,	C. A. Wilson,
Claude Desha,	V. Perkins,	R. E. Watkins,
W. C. Holland,	L. C. Rawlings,	R. C. Walker,
J. A. Humphreys,	W. H. Ragland,	J. D. Wills,
W. B. Henderson,	J. S. Robey,	Jas. H. Williams—54.

Those who voted in the negative were:

W. H. Cole,	J. P. Jeffries,	Chas. F. Ogden,
John Collins,	R. C. Jarnagin,	E. H. Read,

M. T. Freeman,	D. D. Lykins,	Andrew Sargent,
J. S. Hood,	R. C. Myers,	H. S. Vanzant,
James M. Hall,	F. May,	C. B. Wheeler,
J. H. Hall,	J. H. Minor,	David Woods—19.
J. P. Haswell, Jr.,		

Resolved, That said bill do pass, the objections of the Governor to the contrary notwithstanding.

The Committee on Rules moved that Senate Bill No. 174 be taken from the orders of the day.

Said motion was rejected.

The yeas and nays being demanded thereon by Messrs. Weatherford and Meloan were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. A. Humphreys,	L. C. Rawlings,
B. W. Bradburn.	W. C. G. Hobbs,	W. H. Ragland,
A. C. Brown,	G. W. Hickman,	F. G. Shepherd,
J. L. Brown,	J. M. Lee,	J. A. Small,
Reuben Conner,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. H. Cooke,	W. H. McKee,	Ham. Shehan,
J. E. Cahill,	W. A. Morris,	B. F. Saunders,
J. Morgan Chinn,	Chas. Aaron Nelson,	A. J. Thompson,
A. S. Denton,	L. J. Owen,	C. B. Wheeler,
Claude Desha,	V. Perkins,	R. E. Watkins,
W. W. Gill,	A. B. Pieratt,	Jas. H. Williams—37.
W. C. Holland,		

Those who voted in the negative were:

Geo. H. Bishop,	Joseph F. Laufer,	E. H. Read,
W. H. Cole,	John M. Letterle,	J. S. Robey,
A. H. Charlton,	J. R. Mallory,	G. Weissinger Smith,
W. W. Combs,	J. D. Mocquot,	O. P. Searcy,
W. T. Chilton,	J. J. Marquette,	Waller Sharp,



J. C. Cantrill,	R. C. Myers,	Frank M. Tracy,
John Collins,	John M. Moore,	South Trimble,
M. T. Freeman,	F. May,	George Traver,
C. W. Haverly,	J. H. Minor,	H. S. Vanzant,
J. H. Hall,	J. Mc. Meloan,	L. E. Weatherford,
W. B. Henderson,	M. F. North,	R. C. Walker,
J. P. Jeffries,	Chas. F. Ogden,	David Woods,
J. H. Lackey,	Harry C. Pulliam,	J. D. Wills—39.

So said motion was rejected.

The House took from the orders of the day:

S. B. 20. An act to create a board of the "Fireman's Pension Fund," to provide and distribute such fund for the pensioning of disabled firemen, and the wives and children of deceased firemen, to authorize the retirement from service and the pensioning of members of the fire department, and for other purposes connected therewith in cities having a population of over fifty thousand inhabitants and a paid fire department.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows,  
viz:

*Fund—How Created—Treasurers of Fund.*

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That in all cities, whose population exceeds fifty thousand, having a paid fire department, all forfeitures and fines imposed by the board or committee in charge of fire department, from time to time, upon any member or members of the fire department force by way of discipline. All rewards in money, fees, gift, testimonials and emoluments that may be paid or given for account of extraordinary service by any member of the fire department force, except such as have been or shall be allowed by the board of fire commissioners to be retained by said member or members, and such as have been or

shall be given to endow a medal or other permanent or competitive reward. All proceeds of sales of condemned horses and other personal property in use by said department. All monies, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any member or members of the fire department force, for an account or absence from duty to be paid monthly to the treasurer of the said relief fund, and the board of fire commissioners are authorized and empowered, in their discretion to deduct and withhold pay, salary and compensation from any member or members of said force, for or on account of absence from duty, except when such absence shall be caused from sickness or disability, for which leave of absence shall have been granted, in accordance with the rules of said department, shall be set apart by the treasurer of such cities, to whom the same shall be paid, as a fund for the pensioning of disabled and superannuated members of the fire department, and of the widows and orphans of deceased members of the fire departments of such cities. The treasurers of such cities shall be ex-officio treasurers of such fund.

*Board of Trustees of Firemen's Pension Fund.*

Sec. 2. The mayor, treasurer, attorney and board of public safety of such city shall constitute and be a board by the name of the "board of trustees of the firemen's pension fund," of which the mayor shall be ex-officio president. The said board shall select from their number a secretary.

*Management of Fund—Assessment of Members—Deciding upon*

*Applications—Record of Meetings.*

Sec. 3. The said board shall have exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire departments, their widows and minor children, and shall assess each member of the fire department not to exceed

one percentum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the treasurer of such city, who shall be ex-officio treasurer of such board, to the credit of such fund; subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board. The board shall cause to be kept a record of all its meetings and proceedings.

*Rewards, Gifts, Devices, etc.—Permanent Fund.*

Sec. 4. All rewards in moneys, fees, gifts, and emoluments that may be paid or given for or on account of extraordinary services by said fire department, or any member thereof (except when allowed to be retained by said member or given to endow a medal or other permanent or competitive award), shall be paid into said pension fund. The said board of trustees may take by gift, grant, devise, or bequest, any money, real estate, personal property, right of property, or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars in the whole; and such money, real estate, personal property, right of property, or other valuable thing so obtained; also all fines and penalties imposed upon members of such fire department, shall in like manner, be paid into said pension fund and treated as part thereof for the uses of such pension fund; Provided, That the sum of one hundred thousand dollars, which may be received and accumulated, shall be, when so received and accumulated, retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the use and purposes of such pension fund.

*Power of board to draw fund—Investing same—Deposit of securities.*

Sec. 5. The said board of trustees shall have power to draw such pension fund from the treasury of such city, and may invest such fund or any part thereof, in the name of the board of trustees of the "firemen's pension fund," in interest bearing bonds of the United States, of the State of Kentucky, of any county of this State, or of any township or any municipal corporation of the State of Kentucky. And all such securities shall be deposited with the treasurer of said city as ex-officio treasurer of said board, and shall be subject to the order of said board.

*Retirement on Account of Physical or Mental Disability.*

Sec. 6. If any member of the fire department of any such city shall, while in the performance of his duty, become and be found, upon an examination by a medical officer, ordered by said board of trustees, to be physically or mentally permanently disabled by reason of service in such department so as to render necessary his retirement from service in said fire department, said board of trustees shall retire such disabled member from service in such fire department; Provided, No such retirement on account of disability shall occur unless said member has contracted said disability while in the service of such fire department. Upon such retirement, the said board of trustees shall order the payment to such disabled member of such fire department, monthly, from said pension fund, a sum equal to one-half the monthly compensation allowed to such member as salary at the date of his retirement.

*Death while in the Performance of Duty, etc.—Pension to Widow—When Fund Insufficient.*

Sec. 7. If any member of such fire department shall, while in the performance of his duty, be killed, or die as the result

of any injury received in the line of his duty, or of any disease contracted by reason of his occupation, or if any member of such fire department shall, while in service, die from any cause while in said service or during retirement, or after retirement after twenty-two years' service, as hereinafter provided, and shall leave a widow, minor child, or minor children under 16 years of age surviving, said board of trustees shall direct the payment from said pension fund of the following sums, to-wit: To such widow, while unmarried, thirty dollars; to the guardian of such minor child or children, six dollars for each of said children until it or they shall reach the age of sixteen years; Provided, however, That there shall not be paid to a family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his decease; or, if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then, and in that event, an equal percentage of such monthly payments shall be made to each beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

*Beneficiaries under prior act.*

Sec. 8. The widows and orphans of deceased firemen and retired members of the fire department who are now entitled to pensions or annuity shall be entitled to the benefits, pensions and annuities provided for by this act.

*Retirement after twenty-two years' service, etc.*

Sec. 9. Any member of the fire department of any such city, after becoming fifty years of age and having served twenty-five years or more in such fire department, of which the last

two years shall be continuous, may make application to be relieved from such fire department. The said board of trustees shall order and direct that such said person shall be paid a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire department at the date of his retirement or discharge; and the said board, upon the recommendation of the fire marshal or chief officer of any fire department, provided for in this act, shall have the power to assign members of the fire department retired or drawing pensions under this act to the performance of light duties in such fire department in case of extraordinary emergencies. After the decease of such member, his widow or minor child or children under 16 years of age, if any surviving him, shall be entitled to the pension provided for in this act but nothing in this or any other section of this act, shall warrant the payment of any annuity to any widow of a deceased member of such fire department after she shall have re-married.

*To Whom Act Applies.*

Sec. 10. This act shall apply to all persons who are now or shall hereafter become members of such fire departments. and all such persons shall be eligible to the benefits secured by this act.

*Treasurer of Board—Custodian of Fund—Books and Accounts—Funds.*

Sec. 11. The treasurer of the board shall be the custodian of said pension fund, and shall secure and safely keep the same. subject to the control and direction of the board and shall keep his books and accounts concerning said fund in such manner as may be prescribed by the board: and the said books and accounts shall always be subject to the inspection of the board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient securities in such penal sum as the board shall direct.

to be approved by the board, conditioned for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all monies and property, which may come into his hands as such treasurer, and that on the expiration of his term he will surrender and deliver over to his successor all unexpended monies and all property which may come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city; and in case of a breach of the same or the conditions thereof, suit may be brought on the same in the name of such city, for the use of said board, or of any person or persons injured by such breach.

*Money paid only upon Warrants signed, etc.—Interest from Fund.*

Sec. 12. All monies ordered to be paid from said pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants, signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board, duly entered into the records of the proceedings of the board. In case the said pension fund, or any part thereof, shall, by order of said board or otherwise, be deposited in any bank or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or deposit shall belong to and constitute a part of said fund; Provided; That nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund, or any part thereof, unless so authorized by the board.

*Report of Board on condition of Fund.*

Sec. 13. The board of trustees shall make report to the council of said city of the condition of said pension fund on the first day of January in each and every year.

*Fund not subject to Levy, either before or after Distribution, etc.*

Sec. 14. No portion of said pension fund shall, either before

or after its order of distribution by said board to such disabled members of said fire department, or to the widow or guardian of such minor child or children, or a deceased or retired member of such department, be held, seized, taken, subjected to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any process or proceedings whatever, issued out of or by any court of this State for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against such member, or his said widow, or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

*Pension lost by Crime, Misdemeanor, etc.*

Sec. 15. Whenever any person who shall have received any benefit from said fund shall be convicted of any crime or misdemeanor, or shall become a habitual drunkard, or shall become a non-resident of this State, or shall fail to report himself for examination for duty as required herein unless excused by the board, or shall disobey the requirements of said board under this act, in respect to said examination or duty, then such board shall order that said pension allowance as may have been granted to such person shall immediately cease and determine, and such person shall receive no further pension, allowance or benefit, under this act.

*Shall not be Removed without Cause.*

Sec. 16. The mayor, or the board of public safety, or board of trustees of the fire department shall have no power to dismiss or discharge any officer or member of the fire department without good and sufficient cause.

Sec. 17. There being no other statute providing for a "Fireman's Pension Fund," an emergency is declared, and this act shall take effect from and after its passage.



The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	L. C. Rawlings,
Bruce Adkins,	G. W. Hickman,	W. H. Ragland,
B. W. Bradburn,	J. P. Jeffries,	E. H. Read,
J. L. Brown,	R. C. Jarnagin,	G. Weissinger Smith,
Geo. H. Bishop,	Joseph F. Laufer,	F. G. Shepherd,
W. H. Cole,	John M. Letterle,	J. A. Small,
Reuben Conner,	J. M. Lee,	Andrew Sargent,
A. H. Charlton,	J. R. Mallory,	Miles Spurlock,
T. W. Clark,	J. D. Mocquot,	Waller Sharp,
W. T. Chilton,	J. R. Mount,	Ham. Shehan,
W. H. Cooke,	W. J. Mears,	B. F. Saunders,
J. C. Cantrill,	W. H. McKee,	Frank M. Tracy,
J. E. Cahill,	F. May,	South Trimble,
J. Morgan Chinn,	J. H. Minor,	George Traver,
John Collins,	M. F. North,	H. S. Vanzant,
Claude Desha,	Chas. Aaron Nelson,	C. A. Wilson,
M. T. Freeman,	L. J. Owen,	R. C. Walker,
C. W. Haverly,	Harry C. Pulliam,	J. D. Wills,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams—58.
James M. Hall,		

Those who voted in the negative were:

Chas. F. Ogden—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 175. An act to amend section 3 of an act entitled, "An act to amend an act entitled, 'An act for the government of cities of the fourth class,'" which became a law March 24, 1894.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:  
Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act entitled, "An act to amend an act for the government of cities of the fourth class," which became a law March 24, 1894, be and the same is hereby amended as follows:

That section 3 of said act, to which this is an amendment, be amended and re-enacted so as to read as follows:

"Sec. 3. The boundaries of cities of the fourth class shall, until changed as herein provided, remain as now established by law.

"Whenever it shall be deemed desirable to annex any territory to a city in this class, or to reduce the boundaries thereof, the same may be done in the following manner: The board of council of such city shall, by ordinance, accurately define the boundary of the territory proposed to be annexed or stricken off, either upon their own motion or if requested to do so by written petition of at least twenty-five voters and resident tax-payers of the city or residing within the proposed boundary to be added or stricken therefrom, shall pass the ordinance in conformity with the requests of such tax-payers. Such ordinance shall be published for not less than three weeks in a newspaper published in such city or county; if there be no newspaper published in the city or county, the ordinance shall be advertised by hand-bills, to be posted for at least fifteen days at four or more public places in the city, and at the same number of the most public places within the territory, proposed to be annexed or stricken off. Within thirty days after the adoption, publication and advertisement of such ordinance, a petition shall be filed in the circuit court of the county within which said city may be situated, in the name and on behalf of the city, or in the name of one or more of the said petitioning tax-payers, setting forth the passage, publication and advertisement of such ordinance, the object and

purposes thereof, together with an accurate description by metes and bounds of the territory proposed to be annexed to or stricken from the city, and praying for a judgment of the court to annex said territory to or strike same from the city, as the object may be. The said petition shall be filed not less than twenty days before the first day of the next succeeding term of the circuit court in that county.

"And all parties to be affected by the proposed change in the boundary to be added or stricken shall be made parties, plaintiffs or defendants, and served with process, and such other proceedings to bring them before the court as now provided by law. If no defense be made the first term of the court after the filing of said petition and service of the process as provided by law, and the court shall make no order for granting further time for making defense, the court shall render a judgment annexing and striking off the proposed territory, as the object of the proceedings may be.

"But at the first term of the circuit court, or within the time fixed by the court by its order, the board of council of such city or any one or more of the resident voters of the territory proposed to be annexed or stricken off may file a defense in said proceedings, setting forth the reason why such territory, or any part thereof, should not be annexed to the city, or why the limits of the city should not be reduced.

"The case shall be tried by the court without the intervention of a jury. If the court upon hearing be satisfied that less than a majority of the resident voters of the territory sought to be annexed or stricken off have remonstrated against the proposed extension or reduction, and will in its effect impose no unjust burden upon the citizens within such boundary, it shall so find, and the proposed extension, or reduction, shall be decreed, or adjudged. But if the court shall find that a majority of the resident voters in the territory to be added, or stricken, remonstrated against such change and that such change will cause material injury to the owners

of real estate in the limits of the proposed extension, or reduction, and will in its effect impose unjust burdens upon the citizens within said boundary, it shall so find. And said extension, or reduction, shall be denied. If the judgment of the court is adverse to the proposed change, no further effort to annex, or strike off the territory so proposed shall be made within two years after the entering of the judgment. Cost shall follow the judgment, and no appeal shall lie from the judgment of the circuit court. If the judgment in such proceedings be in favor of the proposed annexation, or reduction, of the corporate limits, it shall be certified by the clerk of the court to board or council, and entered upon the records of the board, and the board shall thereupon by ordinance, annex to or strike from the city the territory described in the judgment; Provided, The circuit court shall have no jurisdiction of such proceedings, unless the required publication, or advertisement of the ordinance proposing the extension or reduction of the limits of the city is proven by one or more affidavits filed as part of the petition in said action."

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	J. P. Haswell, Jr.,	W. H. Ragland,
Bruce Adkins,	Joseph F. Laufer,	E. H. Read,
B. W. Bradburn,	John M. Letterle,	J. S. Robey,
J. L. Brown,	J. M. Lee,	S. Atwood Smith,
W. H. Cole,	J. R. Mallory,	J. A. Small,
Reuben Conner,	J. D. Mocquot,	Andrew Sargent,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
T. W. Clark,	W. H. McKee,	Waller Sharp,
J. C. Cantrill,	J. H. Minor,	Ham. Shehan,
J. E. Cahill,	Chas. Aaron Nelson,	A. J. Thompson,
J. Morgan Chinn,	Chas. F. Ogden,	Frank M. Tracy,
John Collins,	Michael O'Sullivan,	South Trimble,

A. S. Denton,	L. J. Owen,	R. C. Walker,
Claude Desha,	Harry C. Pulliam,	David Woods,
W. C. Holland,	A. B. Pieratt,	Jas. H. Williams—47.
W. C. G. Hobbs,	L. C. Rawlings,	

Those who voted in the negative were:

George H. Bishop,	James M. Hall,	George Traver—5.
M. T. Freeman,	F. G. Shepherd,	

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. Res. 21. Resolution for the benefit of Wm. D. Overton and J. K. Dixon.

Ordered that said resolution be read the third time.

Said resolution was read the third time and adopted as follows, viz:

Whereas, Because of a resolution of the General Assembly, J. K. Dixon, keeper of the arsenal, and William D. Overton whom he had called in to assist him, were on March 4, 1898, engaged in firing from a cannon a salute of one hundred guns in celebration of the anniversary of the birthday of the Irish patriot, Robert Emmett, for which no compensation was made, and while so doing there was a premature explosion of said cannon resulting in the dreadful wounding of said persons, whereby the said J. H. Dixon lost his thumb and the said William D. Overton lost both his hands and arms and sustained other serious wounds; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the sum of sixteen hundred dollars or as much thereof as may be required, be, and the same is appropriated out of any monies in the treasury not otherwise appropriated, for the following purposes:

The Auditor will draw his warrant on the Treasury: First, for one thousand dollars in favor of Arch Overton in trust for said William D. Overton. Second, for one hundred dollars in favor of J. K. Dixon. Third, for not exceeding five hundred dollars in favor of the surgeons, physician and nurses employed by said Dixon and Overton to attend to their said hurts as will pay their reasonable charges for their services.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	E. Petty,
T. H. Armstrong,	J. P. Haswell, Jr.,	L. C. Rawlings,
George H. Bishop,	W. B. Henderson,	S. Atwood Smith,
Reuben Conner,	J. P. Jeffries,	G. Weissinger Smith,
A. H. Charlton,	R. C. Jarnagin,	F. G. Shepherd,
W. H. Cooke,	Joseph F. Laufer,	Andrew Sargent,
J. C. Cantrill,	John M. Letterle,	Waller Sharp,
J. E. Cahill,	J. R. Mallory,	G. B. Stout,
J. Morgan Chinn,	J. D. Mocquot,	B. F. Saunders,
John Collins,	R. C. Myers,	South Trimble,
A. S. Denton,	W. H. McKee,	George Traver,
Claude Desha,	F. May,	H. S. Vanzant,
C. W. Haverly,	W. A. Morris,	C. A. Wilson,
J. S. Hood,	Emmett Orr,	C. B. Wheeler,
J. A. Humphreys,	Michael O'Sullivan,	R. E. Watkins,
W. C. G. Hobbs,	L. J. Owen,	David Woods,
James M. Hall,	Harry C. Pulliam,	Spk'r Beckham—51.

Those who voted in the negative were:

Bruce Adkins,	W. J. Mears,	Miles Spurlock,
J. L. Brown,	J. H. Minor,	Ham. Shehan,
W. T. Chilton,	J. Mc. Meloan,	A. J. Thompson,
W. W. Gill,	M. F. North,	L. E. Weatherford,
W. C. Holland,	Chas. Aaron Nelson,	R. C. Walker,

G. W. Hickman,	W. H. Ragland,	J. D. Wills,
J. H. Lackey,	E. H. Read,	Jas. H. Williams-22.
J. R. Mount,		

Resolved, That said resolution be adopted, and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 203. An act to provide for the operating expenses of the House of Reform.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is now and hereby appropriated for the maintenance of House of Reform the sum of seventy-five dollars, or so much thereof as may be necessary for the purpose, per annum, for each inmate in such house, or houses of reform, and it is now made the duty of the Auditor of Public Accounts to draw his warrant on the Treasury quarterly for such amount, or so much thereof as may be necessary, upon the report of the president of the board of trustees of the Houses of Reform, when approved by the Governor, as herein provided.

Sec. 2. It shall be the duty of the president of the board of trustees of the House of Reform, to make quarterly written reports, showing the number of inmates in such house, or houses of reform, received since the last report, the number discharged, the total number confined, and the time each has been detained since the last report, and the amount necessary to maintain such inmates after deducting such receipts from the proceeds of the labor of the inmates as hereinafter provided, and such report, when approved by the Governor shall authorize and require the Auditor of Public Accounts to draw his warrant on the Treasury as provided in section 1, herein.

Sec. 3. In addition to the amount herein appropriated, there is now and hereby appropriated the further sum of five thousand dollars payable quarterly on the warrant of the Auditor to provide for the expenses of said institution; Provided, That only so much of said sum shall be necessary for the payment of such subordinate officers, agents and employees, shall be drawn from the Treasury for that purpose, which amount shall be determined by the board of trustees and approved by the Governor.

Sec. 4. It shall be the duty of the board of trustees of the houses of reform, so far as the same can be done consistently with the purpose of the act establishing the houses of reform, to employ the inmates in useful labor, and the proceeds of such labor shall be used by them in reducing the expenses of such institution.

Sec. 5. The appropriation herein and hereby made shall not become available until the house or houses of reform shall be permanently completed and ready for the reception of inmates, which fact shall be reported to the Governor, and by him certified to the Auditor.

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	G. W. Hickman,	A. B. Pieratt,
Bruce Adkins,	J. P. Jeffries,	L. C. Rawlings,
B. W. Bradburn,	Joseph F. Laufer,	E. H. Read,
J. L. Brown,	John M. Letterle,	S. Atwood Smith,
A. H. Charlton,	J. M. Lee,	G. Weissinger Smith,
T. W. Clark,	J. R. Mallory,	J. A. Small,
W. T. Chilton,	J. D. Mocquot,	Andrew Sargent,
W. H. Cooke,	J. R. Mount,	O. P. Searcy,
J. C. Cantrill,	J. J. Marquette,	Miles Spurlock,
J. E. Cahill,	W. J. Mears,	Waller Sharp,



M. T. Freeman,	W. H. McKee,	Ham. Shehan,
W. W. Gill,	F. May,	Frank M. Tracy,
W. C. Holland,	J. H. Minor,	South Trimble,
C. W. Haverly,	W. A. Morris,	George Traver,
J. S. Hood,	M. F. North,	C. B. Wheeler,
J. A. Humphreys,	Chas. F. Ogden,	R. E. Watkins,
W. C. G. Hobbs,	L. J. Owen,	R. C. Walker,
James M. Hall,	Harry C. Pulliam,	David Woods,
J. P. Haswell, Jr.,	E. Petty,	Jas. H. Williams-57.

Those who voted in the negative were:

W. H. Cole,	J. Mc. Meloan,	J. S. Robey,
Reuben Conner,	Chas. Aaron Nelson,	F. G. Shepherd,
Claude Desha,	Michael O'Sullivan,	A. J. Thompson,
J. H. Lackey,	V. Perkins,	L. E. Weatherford-12

Resolved, That said bill do pass and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed bills which originated in the House of the following titles, viz:

H. B. 234. An act for the benefit of incorporated districts or other municipalities not heretofore assigned to any class of cities and towns.

H. B. 140. An act to amend and re-enact chapter 40, article, 1, section 1409 of the Kentucky Statutes, relating to drifts, logs and timber.

H. B. 247. An act concerning the court-house district in Campbell county,

H. B. 289. An act to appropriate five hundred dollars to mark and preseve the graves of the Confederate soldiers who were slain at Perryville, Ky.

H. B. 198. An act to amend and re-enact section 4306, of chapter 110, of Kentucky Statutes, entitled, "An act relating to roads and passways."

H. B. 476. An act to repeal section 12, article 1, chapter 48, General Statutes, section 2025, Kentucky Statutes, entitled, "Guardian and wards."

H. B. 129. An act to repeal section 1312 of Kentucky Statutes, relating to confession of judgments in penal cases.

H. B. 385. An act to fix the hundred weight and ton of hemp, and to prescribe a penalty for the violation thereof.

H. B. 143. An act to repeal and re-enact section 31 of article 5 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," relating to city clerks.

With an amendment to said last named bill.

That they had disagreed to bills which originated in the House of the following titles, viz:

H. B. 174. An act to amend an act entitled, "An act to provide free turnpike and gravel roads," approved March 17, 1896.

H. B. 294. An act to amend and re-enact section 2 of an act entitled, "An act to divide the State of Kentucky into circuit court districts" approved July 1, 1892.

The House took from the clerk's desk:

H. B. 143. An act to repeal and re-enact section 31. of article 5, of an act entitled, "An act for the government of second class in the Commonwealth of Kentucky," relating to city clerks.

With an amendment proposed thereto by the Senate.

Said amendment was concurred in.

Said bill as amended was passed.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,

J. H. Lackey,

A. B. Pieratt.

Bruce Adkins,	Joseph F. Laufer,	L. C. Rawlings,
B. W. Bradburn,	John M. Letterle,	W. H. Ragland,
J. L. Brown,	J. M. Lee,	S. Atwood Smith,
W. H. Cole,	J. R. Mallory,	G. Weissinger Smith,
Reuben Conner,	J. D. Mocquot,	J. A. Small,
A. H. Charlton,	J. R. Mount,	O. P. Searcy,
W. W. Combs,	J. J. Marquette,	Miles Spurlock,
T. W. Clark,	W. J. Mears,	G. B. Stout,
W. T. Chilton,	W. H. McKee,	B. F. Saunders,
W. H. Cooke,	J. H. Minor,	A. J. Thompson,
J. C. Cantrill,	W. A. Morris,	Frank M. Tracy,
J. E. Cahill,	J. Mc. Meloan,	South Trimble,
A. S. Denton,	M. F. North,	George Traver,
Claude Desha,	Chas. Aaron Nelson,	L. E. Weatherford,
W. C. G. Hobbs,	Michael O'Sullivan,	C. A. Wilson,
J. H. Hall,	L. J. Owen,	R. C. Walker,
John T. Hinton,	Harry C. Pulliam,	J. D. Wills,
J. P. Haswell, Jr.,	V. Perkins,	Jas. H. Williams-58.
G. W. Hickman,		

Those who voted in the negative were:

R. C. Jarnagin, E. Petty, Andrew Sargent—3.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 154. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and passed, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 70 of an act entitled, "An act for

the government of cities of the first class," approved July 1, 1893, be amended by striking out the following words, "except that corner lots, (say thirty feet front, and extending back as may be prescribed by ordinance), shall pay twenty-five per cent. more than others for such improvements," and inserting in lieu thereof the following words, "and in such improvements the cost of the curbing shall constitute a part of the cost of the construction of the street or avenue, and not of the sidewalk," and by adding to said section the following words:

"The general council shall have the power by ordinance recommended by the board of public works, to cause the digging out and the walling of public wells and cisterns, and the placing of water-plugs and fire hydrants and attachment to street water pipes in public ways, and to apportion the cost thereof exclusively against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located, according to the number of square feet in such lots, or in any other suitable mode of apportionment which the general council may prescribe by ordinance, and liens shall exist against such lots for the respective apportionment by the board of public works, of the cost of digging and walling of public wells and cisterns, and the placing of water-plugs and fire hydrants and attachments to street water pipes, with interest from date of the apportionment, with interest at six per cent. per annum until paid," so that said section when amended shall read as follows:

"Sec. 70. When the improvement is the original construction of any street, road, lane, alley or avenue, such improvement shall be made at the exclusive cost of the owners of lots in each fourth of a square, to be equally apportioned by the board of public works according to the number of feet owned by them respectively, and in such improvements the cost of the curbing shall constitute a part of the cost of the construction of the street or avenue and not of the sidewalk. Each subdivision of territory bounded on all

sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public ways shall state the depth on both sides fronting said improvement to be assessed for the cost of making the same according to the number of square feet owned by the parties respectively within the depth, as set out in the ordinance. The general council shall have power by ordinance, recommended by the board of public works, to cause the digging and the walling of public wells and cisterns, and the placing of water-plugs and fire hydrants and attachments to street water pipes in the public ways, and to apportion the cost thereof exclusively against the owners of lots fronting the public ways to the middle of each square from the intersection at or near which the work shall be located, according to the number of square feet in such lots, or in any other equitable mode of apportionment which the general council may prescribe by ordinance, and liens shall exist against such lots for the respective apportionments by the board of public works, of the cost of digging and walling of public wells and cisterns, and the placing of water-plugs and fire hydrants and attachments to street water pipes, with interest from the date of apportionment, at the rate of six per cent. per annum until paid."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	John T. Hinton,	V. Perkins,
B. W. Bradburn,	G. W. Hickman,	A. B. Pieratt,
A. C. Brown,	J. H. Lackey,	L. C. Rawlings,
J. L. Brown,	Joseph F. Laufer,	W. H. Ragland,
George H. Bishop,	John M. Letterle,	S. Atwood Smith,
Reuben Conner,	J. M. Lee,	G. Weissinger Smith,
A. H. Charlton,	J. R. Mallory,	J. A. Small,
W. W. Combs,	J. D. Mocquot,	Miles Spurlock,

T. W. Clark,	J. J. Marquette,	Waller Sharp,
W. T. Chilton,	W. J. Mears,	G. B. Stout,
W. H. Cooke,	R. C. Myers.	Ham. Shehan,
J. C. Cantrill,	J. H. Minor,	B. F. Saunders,
J. E. Cahill,	J. Mc. Meloan,	A. J. Thompson,
J. Morgan Chinn,	M. F. North,	Frank M. Tracy,
Claude Desha,	Chas. Aaron Nelson,	South Trimble,
W. W. Gill,	Emmett Orr,	George Traver,
W. C. Holland.	Chas. F. Ogden,	H. S. Vanzant,
C. W. Haverly,	Michael O'Sullivan,	L. E. Weatherford,
J. S. Hood,	L. J. Owen,	C. A. Wilson,
J. A. Humphreys,	Harry C. Pulliam,	R. C. Walker,
W. C. G. Hobbs,	E. Petty,	Jas. H. Williams-63.

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Haswell moved the adoption of the following resolution, viz:

Whereas, The Hon. J. C. W. Beckham, Speaker of the House of Representatives, has presided over the deliberations of this body with dignity and ability, and has deported himself so as to win the respect, confidence and esteem of all the members of the House, and has so graced the position which he occupies as to reflect credit upon himself and the State: therefore be it

Resolved, That this House tender and extend to him the thanks that are his due, for his uniform kindness and courtesy to the members of that body.

Said resolution was adopted.

The House took from the orders of the day:

S. B. 207. An act to amend section 53 of an act entitled. "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, 1893.

Ordered that said bill be read the third time.

Said bill was read the third time and rejected as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 53, of an act entitled, "An act concerning the militia of the Commonwealth of Kentucky," approved March 13, '1893, be, and the same is amended so that the same shall read as follows:

"There is hereby appropriated the sum of ten thousand dollars per annum to be paid out of the Treasury from the resources of the Kentucky war claim as the same shall hereafter be collected from the United States, which together with all sums received into the Treasury from fines and penalties under the provisions of this law, shall constitute the military fund of this State. This fund shall be disbursed from time to time by the authority of the Governor and under such regulations as he shall prescribe, for the organization, equipment, administration and uniforming of the State guard; for the purchase of tactics, laws and regulations of the army of the United States; for instruction of the State guard; for the publishing of regulations for their government; for the renting of armories; for the purchase of such camp and garrison equipment and military stores as may be necessary, and, generally, as in his judgment may best promote the interests of the State guard. If the resources of the Kentucky war claim shall prove insufficient to pay said sum of ten thousand dollars, then the remainder of said sum is to be paid out of any other funds in the Treasury not otherwise appropriated, not to exceed seven thousand dollars in any one year. And if there be no money in the Treasury realized from said Kentucky war claim, then said seven thousand dollars, and all sums received into the Treasury from fines and penalties under the provisions of this law, shall constitute the military fund of this State. The Governor is empowered to employ an agent to prosecute and collect said war claim and every and any other claim or claims

that the Commonwealth of Kentucky may have or assert against the United States, and to contract with such agent for his compensation, which shall be conditional upon recovery and payment of such claim or claims.

Sec. 2. Because said Kentucky war claim should be collected as soon as may be, there is an emergency that this act take immediate effect, and this act shall take effect upon its approval by the Governor, or passage.

The yeas and nays being required thereon were as follows,

Those who voted in the affirmative were:

M. Abele,	James M Hall,	Chas. F. Ogden,
T. H. Armstrong,	John T. Hinton,	Harry C. Pulliam.
B. W. Bradburn,	Joseph F. Laufer,	S. Atwood Smith,
A. C. Brown,	John M. Letterle,	G. Weissinger Smith,
George H. Bishop,	J. R. Mallory,	F. G. Shepherd,
A. H. Charlton,	J. D. Mocquot,	Waller Sharp,
J. Morgan Chinn,	J. R. Mount,	G. B. Stout,
Claude Desha,	W. H. McKee,	Frank M. Tracy-26.
W. C. G. Hobbs,	M. F. North,	

Those who voted in the negative were:

J. L. Brown,	R. C. Jarnagin,	L. C. Rawlings,
W. H. Cole,	J. H. Lackey,	W. H. Ragland,
Reuben Conner,	J. M. Lee,	E. H. Read,
T. W. Clark,	J. J. Marquette,	J. S. Robey,
W. T. Chilton,	W. J. Mears,	Miles Spurlock,
W. H. Cooke,	John M. Moore,	B. F. Saunders,
J. E. Cahill,	J. H. Minor,	A. J. Thompson.
M. T. Freeman,	J. Mc. Meloan,	George Traver,
W. W. Gill,	Chas. Aaron Nelson,	H. S. Vanzant,
W. C. Holland,	Emmett Orr,	L. E. Weatherford,
W. B. Henderson,	Michael O'Sullivan,	R. C. Walker,
G. W. Hickman,	E. Petty,	David Woods,
J. P. Jeffries,	A. B. Pieratt,	Jas. H. Williams-39.



So said bill was rejected.

Mr. Trimble, from the Committee on State Prisons and House of Reform, submitted the following reports, viz:

REPORT LEGISLATIVE INVESTIGATION COMMITTEE  
EDDYVILLE PENITENTIARY.

Frankfort, Ky., March 5, 1898.

By authority of the following joint resolution, which originated in the Lower House of the General Assembly, we, the undersigned committee, visited the State Penitentiary at Eddyville, and now make the following report:

HOUSE RESOLUTION NO. 6.

Resolved by the House of Representatives of Kentucky, the Senate concurring therein, that the Committee on State Prisons and House of Reform of the House of Representatives, in conjunction with the Committee on Penitentiaries and House of Reform of the Senate, be authorized and empowered to investigate the management, conduct and condition of the penitentiary at Frankfort and the penitentiary at Eddyville, including the contracts concerning the same made by the Board of Sinking Fund Commissioners, and the operation and effects of such contracts, and all other matters concerning such penitentiaries.

The committee is empowered to appoint such committees, to send for persons and papers, to summon, swear and examine witnesses, and to employ such clerical assistance as may be necessary to their investigation,

The Committee will report the transcript of the testimony heard and their findings, together with such recommendations as they may desire to make to the Houses respectively.

Upon arrival at Eddyville, the committee visited the said institution on afternoon of February 21, and again on Febru-

ary 22. We found the prison buildings to be grand structures such as would be a credit to any State in the Union, if properly cared for and attended to. We found mismanagement and neglect upon every hand. Commencing back at the railroad depot three-quarters of a mile from the prison we found much waste of State coal where cars are unloaded on the side tracks. We found convicts loafing about a large fire of coal upon the ground near the side track together with tramps, the quantity of coal ashes about this fire indicated that it is a custom continually indulged in. Early in the morning before breakfast on February 22, one of your Committee saw at least two bushels of coal in this fire at one time, the coal that has been let fall upon the ground near these tracks has been trodden down and mashed down by teams and wagons until the mass rises about 12 or 15 inches above the level of the tracks, for a distance in length of about 100 or 125 feet ranging in width from eight to ten feet; in addition to this your Committee saw much loose coal lying about both sides of these side tracks near the cars paid for by the State. A convict was seen handling the switch lights of the Illinois Central Railroad at this depot. A convict was also seen in the passenger waiting room of the depot, another convict was seen on the roadway enjoying the privileges of citizenship, other convicts were seen riding about upon wagons without guards, no guard was found at the depot attending to or watching the convicts found about there.

About one-half of the roads leading from the depot to the prison was built by the State at State expense, it is in a wretched condition, the bridge that forms a part of the State's road is in a neglected, mismanaged condition, bad flooring, railing fast becoming dangerous, large drift logs hanging high up in the trestle work that supports it. The road and bridge which is the property of the State are certainly public works and with the three hundred idle convicts upon his hands the Warden is certainly entitled to the severest criticism for his

lack of attention to State property under his charge and care. All the care and attention required by this bridge and road could have been attended to with such labor as can be performed by the convicts without any extra expense to the State except for a few hundred feet of lumber, the bridge will soon be impassible and the State will then be called upon for an appropriation of several thousand dollars to replace the structure that is now being allowed to go to pieces for want of attention from the warden of the Eddyville Penitentiary.

Upon approaching the prison buildings we found ashes strewn about the ground at foot of main entrance steps and other ashes were added to the already unsightly surroundings in presence of Committee by a convict who carried them out of the main front door of the administration building and down the front steps, in a wooden box. With ashes handled in wooden boxes it would be well for the State to have this building insured, if any company can be found that will take the risk. Much damage could be done to this office or administration building by fire, because the floors are of wood and such carelessness should not be tolerated. Upon the entering the building your Committee turned into the first room on their right, which they were informed was the Commissioner's room, supposed to be the best kept room about the place; we found glass broken out of the front window, the window curtain was drawn down over this and was held up against the opening by means of a piece of scantling which reached far out in the floor; upon inquiry your Committee learned that this glass was broken out by the accidental discharge of a rifle some eighteen months since. Looking out this front window and down near the foot of the outside steps which lead up to the main entrance and in front of the main building there was to be seen a large chopping block and many chips strewn about, reminding one of the old wood pile chopping block back of some farm house.

Going through the hallway out into the yard (and return-

ing) through iron gate, the Committee found a negro convict holding the key to the gate and opening and shutting same. When asked if he stood at that gate regularly and held the key, he answered yes. He was certainly there for the two days the Committee spent in Eddyville. This is certainly very loose management on the part of the warden and deserves severe condemnation.

In going through the cell houses many cells were found to contain poor, dirty and improper bedding. From many of the cells there emitted the most obnoxious odors. The prison physician, Dr. Linn, who accompanied the committee on part of its rounds, about the cells stated: "The cells and cell houses contain millions and million of bed-bugs and there is no use for any one to try to deny it."

The three cell houses contain about 414 cells. The annual report shows that there are 476 prisoners. Your Committee found 50 or 60 cells unoccupied, all of which were above the ground floor except one and that one was in the basement. The vacancy of this cell down in the most unhealthy part of the cell houses was explained by the guard in charge, Mr. Stevenson, to be because an old man had recently died in that cell. It seems proper to your Committee that all cells should be occupied before any two prisoners are put in one cell, and it further seems proper that all cells in dry part and upper part of these cell houses should be occupied before the basement cells are tenanted. If any cells are to be left vacant it should be those down in the basement next to the sewerage connections, where the night buckets of the whole number of prisoners are dumped every morning, the contents to be carried off through the sewer. This dumping of night buckets in the cell house should be discontinued.

Your committee visited the closets used by the prisoners and found them in a filthy, unhealthy condition. These closets we were informed by the prison physician were erected under the present management, the construction is exceedingly faulty

and although but about fifteen months old are now utterly unfit for use by man or beast, but the plea was set up that these closets did not cost anything; they most certainly did cost something as is indicated by the material that was seen to have been used in this botch job of construction; the labor may have been performed by convicts, but it is very evident that those who directed the convicts in this matter had no knowledge of this work; loose live steam is now being turned into this closet to keep it from freezing and the convicts must pass in and out through and remain in steam thicker than the heaviest of fogs, which in the judgment of your Committee is very injurious to the health of the convicts. Only the poorest of managements would tolerate any such arrangement, much less bring it about as has been done by the present warden, Mr. James H. Happy,

We found glass broken out of the door and window of the guard houses on the wall with boards and paper stuffed into the openings to keep out the weather; we also found one guard house on the wall with stove-pipe sticking out but very few inches above the place in the roof where the hole was cut to allow the stove-pipe to pass through. This in our judgment will cause another guard house fire.

The wagon gates, where wagons pass through the walls into the prison yard were found to be in bad condition, in as much as the outer gates were obstructed in their closing by mud and dirt accumulations upon the roadway to a height of several inches above the bottom of the gates, thus preventing their being closed at all in case there be an outbreak or injury of any kind to the inner gates. The wagon road leading through the yard from this gate is in miserable, unkept condition equal to or worse than the poorest of county roads or lanes; this unkept road is on inside the wall of the prison and is a disgrace to the property of the State, to say nothing of the conditions at the gate. At the other side of the prison are other large gates through the wall for the passage of cars

that run down to the river to bring up supplies, one of these outside gates is clear off the hinges and gone.

The two broom shops were visited. In one we found 14 convicts being worked without foreman or guard. The stove in this shop is in very bad burned-out condition, and there is no zinc, iron or brick over the wooden floor where this stove sits; a small fire may be in progress at any time. In the other broom shop your Committee found something over 46 convicts working "upstairs and down stairs together," making a total of over 60 convicts employed making brooms. Inquiry was made of Warden Happy and acting Clerk John H. Tinsley of the prison as to convicts employed in the two broom shops and their answer was 50. The clothing shops were visited and the contractor's clerk informed us that the average convicts employed in that department was 120.

A visit was next made to the hoop-pole works, a long frame building almost filled with shaved hoop-poles ready for market. In this building we found several convicts at work at hoop-pole shaving. They had a good-sized bon-fire on the floor inside the shop; and right here is another opportunity for a prison fire. Outside this shop and close to it we found a pile of hickory shavings, enormous in extent, there being something like six or eight car loads. We are of the opinion that this vast quantity of combustible material should be removed from the prison premises by the owner and contractor by order of the warden, or he should take possession of the same for the safety of the prison property, and burn it in the furnaces under the steam boilers, and he, the warden, should charge the said owner and contractor for the time of the convicts handling and burning the same.

We visited the new shop buildings now nearing completion. which occupies the site of the old shop buildings which were destroyed by a disastrous fire on the night of May 14, 1896. while the Warden, Mr. J. H. Happy, was absent from the prison and from Eddyville, entailing upon the State a loss of

some \$50,000 or \$60,000. The new building is not near so large as the one destroyed, the original building was three stories and basement the entire length, while part of the new building is but one story high and the remainder two stories and basement, the boiler room is in subbasement or cellar, which is the same that was part of the original building. The new boilers which are in this cellar were placed there about a one year ago. In this boiler room were found a large pile of cinders and ashes amounting to something like three to five car loads. Many other such examples of neglect and mismanagement are to be seen on every hand about this prison and its grounds and buildings within the walls, that would take too much time to enumerate in this report.

In the kitchen your Committee found the large steam coffee urn or boiler, with lining broken in such a manner as to allow all the coffee that the prisoners have to drink, to come in contact with the raw copper behind the lining, thus poisoning the coffee with copper. This boiler bears the appearances of having been in this condition for a long period of time.

The bread cupboard, a new structure built in the kitchen under the present warden, was found to be alive with roaches, running to and fro over the bread, seemingly undisturbed.

Your Committee broke open some of the loaves of bread found in this cupboard, and after thorough examination it was found to be exceedingly sour and musty, totally unfit to be put in the stomach of any human. The bread examined was fresh from the oven.

The commissary was visited; it took the officers and guards several minutes to find the key to get in this apartment from the inside of the administration building (locked against themselves) but when the Committee gained entrance and got down into this storage place for provisions, "which is in the basement of the administration building," we found the outside double doors leading to the street, standing wide open, with no one in charge and none to keep watch over the provisions

on hand, consisting of hams, bacon, sausage, flour, meal, dried fruit, etc.

The pile of bacon was considerably gnawed by rats, the yard guard and commissary man, Mr. Strange, who went with the Committee down into this commissary apartment, explained this to the Committee by saying, "That they had lots and lots of rats there."

With rats in the commissary, bed bugs (by millions and millions, according to Dr. Linn) in the cells of the cell houses, roaches in the bread cupboard, copper in the coffee, sour, musty bread, and cells emitting stench in many cases unbearable, the management of the Eddyville penitentiary may be likened to a hell on earth.

Your Committee did not meet the deputy warden during their two trips through the prison on the two days they were in Eddyville.

Neither did they see the Chaplain, D. F. Kerr, at his post of duty in the chapel or in the hospital, as the law directs he must spend seven days each week, in order that he might be entitled to draw his salary, although the committee did see him out on the roadway and for a few minutes he went with the committee on its rounds through the yards. The committee found many idle prisoners loafing in the chapel and the stench there was something simply unbearable, and the chaplain deserves the severest condemnation for this state of affairs.

When your Committee was in Eddyville information from reliable sources was obtained, going to show that the most unwholesome beef was being slaughtered for, delivered to and consumed at this prison. Blind steers, old cows, with rotten bags, big legged cattle and cattle with all manner of diseases: such usages should be stopped.

#### DEATHS AT EDDYVILLE PENITENTIARY.

The annual reports, for the Kentucky penitentiaries for the



fiscal year ending November 30, 1897, show number of prisoners at Frankfort to be 1233 (see page 36), with 23 deaths. The number prisoners shown at Eddyville is 476 with 25 deaths. Taking into consideration the population of the two prisons, the death rate at Eddyville is nearly three times as great as it is in Frankfort. The people of Kentucky erected this new Eddyville prison in order that the death rate among convicts could be decreased instead of increased. The town of Eddyville situated in Lyon county on the banks of the Cumberland river is a healthy location where the death rate is as small among its citizens as in any place in the Commonwealth of Kentucky. The penitentiary is situated on the top of the highest point inside the town limits, close to and overlooking the Cumberland River, an exceedingly healthy location and yet the death rate is as stated above, nearly three times as great as it is in Frankfort, population of prisons considered. There can be no excuse for this except bad management and lack of knowledge or failure of application on the part of Warden and Prison Physician. This prison is more modern than the institution at Frankfort and there is nothing in the printed reports to show that the State has refused to supply proper food and drugs for its prisoners, from June 18, 1896, up to this time. The report of expenses furnished the Legislative Investigation Committee of May 1, 1897, shows \$829.09 was expended for drugs and \$58.58 for whiskey, during the 317 days from June 18, 1896, to May 1, 1897. The Warden's report of the Eddyville prison for fiscal year ending November 30, 1897, shows \$743.39 was expended for drugs during 12 months from December 1, 1896, to December 1, 1897, and the Warden's printed report does not claim inventory showing any drugs on hand at the end of said fiscal year, so it will be seen that the prisoners must have consumed it all (see report, page 24.)

The warden, Mr. J. H. Happy, comes to the rescue; see his labored explanation on page 3 of the same reports. He says:

"I am gratified to report a very flattering improvement in the health and physical condition of the prisoners. Through improved methods of sanitation and increased diet and other improvements looking to the health of the prison population, the the per cent. of mortality has decreased 40 per cent. as is shown by the very exhaustive report of the clerk submitted herewith. This is the more gratifying when we analyse the death rate and find that deducting the deaths of the two prisoners killed, and the deaths of the eleven incurable invalids, mostly consumptives, transferred from Frankfort, the per cent. of deaths has decreased over sixty per cent. from my last annual report, and over seventy-five from the last year of my predecessor. To show the improved conditions more clearly and forcibly, we find that only 12 prisoners died out of the 600 on hand and received during the year from the penitentiary districts, while 11 died of the 150 on hand received from Frankfort during this and last year. The death rate among the prisoners received from the home district being about two per cent., and from the transfers over seven per cent."

In the first place, Mr. Happy seems to try to relieve himself and his management by deducting the deaths of the two prisoners killed. Was not Charles Bunch, the white prisoner from Hart county, killed out at the stone quarry, on the farm of Mr. William Long, on the evening of April 13, 1897, outside the walls, contrary to law? Was not the warden absent from the prison when the killing occurred? Was not that prisoner deliberately shot down? It may be true that the convict was trying to escape, and why should he not try to gain his liberty when he was being worked out in a quarry in the woods? What right had the warden or the Commissioners to turn this or any other convict outside the walls except on public work? If they claim this to be public works, then the less the State has of such public works the better it will be for the State Treasury and tax-payer. See table, expenses, etc., on stone quarry reported to Legislative

Committee of May, 1897, showing that the rock gotten out cost the State about \$12 per yard, and even then it could not be used for the purposes for which it was quarried.

EDDYVILLE CONVICTS WORKED OUTSIDE OF WALLS IN THE  
STONE QUARRY CONTRARY TO LAW.

Rope, blocks, bar steel, barrows, and other tools specially purchased for this quarry.....	\$ 198 00
Seventy-nine days time for foreman.....	237 00
One hundred and eighty-one days time for guards.....	362 00
Seventy-nine days time for about 45 convicts, 3,565 days at 35 cents per day.....	1,247 75
Reward paid for escaped convict.....	100 00
Expenses notifications of escape about .....	8 00
	<hr/>
	\$2,152 75

In addition to this \$50 was paid for the privilege of the quarry.

One convict was shot down and killed.

Stone mason, John Opie, testified, rock gotten out to be about 175 yards (see Senate Journal 1897). The above rock was quarried for foundations of new shop buildings, but it was gotten out in such poor shape that only part could be used and more rock was gotten out at additional expense to complete the stone work of shop foundations.

The other prisoner killed is shown to be a colored man, Lee Powell, who lost his life by a knife stab by another prisoner. Does this not show very gross negligence on the part of the warden? When convicts are allowed to have such weapons in their possession right inside the walls. If Warden Happy can congratulate himself on a low death rate by deducting these two killings that seem to have the appearance of murder, then he is welcome to his self congratulations. Warden Happy

claims that the mortality has decreased 40 per cent. during the past fiscal year, the deaths for the fiscal year ending November 30, 1896, were 31 (see printed report page 14), while the deaths for the last fiscal year ending November 30, 1897, were 25 (see printed report for that year, page 28).

It will take but little figuring to show that the decrease was but a fraction more than 20 per cent. But he fails to tell the public in his printed report that the prison was under the contract system for over half the fiscal year that he makes comparison with and that the Legislature of Kentucky several years ago enacted laws to remedy the evil of the contract lessee system in our penitentiaries, which law could not because of then existing contracts be put into operation at the Eddyville penitentiary until June 18, 1896. The warden further claims that the death rate of the fiscal year under his management ending November 30, 1897, was 75 per cent. less than it was under the management of Warden L. C. Curry for fiscal year ending November 30, 1895. Captain Curry's report for that year (see page 37) shows 37 deaths (under lessee system), while Warden Happy's report shows 25 prisoners died during fiscal year ending November 30, 1897, thus showing a reduction of 33 per cent instead of 75 per cent as claimed by Mr. Happy. In this comparison the warden used two of his annual reports to draw his deduction and conclusion from. Captain Curry's management should have the benefit of two reports also. By turning to the report of fiscal year ending November 30, 1894, Captain Curry shows his deaths to have been (from all causes) 13. Compare this with the report of Mr. Happy, for last fiscal year, 25 deaths, and it would seem to show an increase of the mortality at that prison under Mr. Happy's management of 92 per cent. or nearly double.

Warden Curry worked under the lessee and contract system and he had to get his drugs, provisions and supplies from contractors, while Happy had the State Treasury opened to

him and his every order was allowed. Captain Curry had 504 prisoners December 1, 1893, and the number ran up to 560 November 30, 1894; he had 558 December 1, 1894, and it stood at 600 for over half that year, winding up with 569 November 30, 1895.

The year for which Warden Happy made his first annual report showing deaths to be 31, had 569 prisoners beginning December 1, 1895, and but 478 at close of that fiscal year, November 30, 1896, with the prisoners counting but 448 about middle of that year, while for the fiscal year ending November 30, 1897, he had but 478 prisoners to start with and at the the end of that fiscal year he had but 476 (see his report, page 21.)

Mr. Happy seems to make another effort to juggle with the grim reaper of death when he states that 11 out of the 25 deaths during the last fiscal year were transferred to Eddyville from Frankfort. Granting this statement to be correct it still would leave 14 deaths at the Eddyville penitentiary while the Frankfort prison report shows 23 deaths during same period, to which add the 11 deaths charged to Frankfort transfers by Mr. Happy and it would make the number of deaths at Frankfort 34 out of 1,233 prisoners which is about two and three-quarter per cent., while Mr. Happy has still 14 deaths to account for out of a total of 476 prisoners as shown by his report, or two and ninety-four one hundredths per cent. He thus shows his death rate at Eddyville to be nineteen one hundredth of one per cent. greater than at Frankfort prison for same identical period (namely December 1, 1896, to December 1, 1897), after the 11 prisoners he speaks of have been taken off his account and added to the death account of the Frankfort prison. Still Mr. Happy makes no mention of the condition of the 80 prisoners he sent to Frankfort prison in May, 1897. On May 7, 1897, 80 prisoners were sent to Eddyville to be exchanged for 80 able-bodied convicts, for which the Commissioners could get 35 or 40 cents per day at Frankfort

immediately upon their arrival. The Frankfort convicts arrived at Eddyville May 7th with 10 guards in charge of them. Mr. Happy did not get his return prisoners off until the morning of the 10th, and during all this time the 10 guards had to be put up at a hotel in Eddyville at the State's expense in addition to their wages. When the 80 prisoners (that were ordered to be able-bodied) arrived at Frankfort prison, there was but about nine prisoners out of the 80 able to go to work and the remaining 71 were put in the Frankfort prison hospital, and turned loose upon the yard as men unable to work. Thus was the State's money wasted for transportation of 80 convicts from Frankfort to Eddyville and return, in addition to the expense of the 10 guards for four days, together with their hotel bill while held over at Eddyville. While your Committee is considering the claims of Warden Happy in regard to sick prisoners sent to Eddyville from Frankfort, it will be well to glance over the table of deaths for the past fiscal year as shown in his report. The first on the list is:

Hubbard Machen, age 18, colored, sent from Caldwell county and received at the Eddyville prison November 7, 1896; his height was 5 feet 2½ inches and his weight was 118 pounds; he died of pneumonia December 14, 1896, just one month and seven days after his arrival, and his body was sent to a medical college in Louisville in care of A. Garrett, city undertaker.

The second one on the list is:

William Deatley, white man, from Bath county; received at Frankfort prison October 21, 1894; age 23, height 5 feet 6 inches, weight 130 pounds; transferred to Eddyville August 30, 1896, in good health. He died December 16, 1896, just three months and sixteen days after arrival at Eddyville, physician reported cause of death to clerk, as typhoid fever; but cause given in the report is cerebral hemorrhage; this body was also shipped to the medical college.

The fourth one on the list is:

John H. Smith, a white man from Henderson county, received October 1, 1896, who died January 7, 1897, but he is registered (in report) as dying February 1st, age 20, height 5 feet 7½ inches, weight 131 pounds, said to have died with consumption, but this was pretty good weight for a consumptive; body sent to medical college.

The sixth on the list is:

Frank Gardner, colored man from Galloway county, received at Eddyville prison April 28, 1896 died of pericarditis March 6, 1897, age 31, height 5 feet 4½ inches, weight 172 pounds; body sent to medical college.

During the year previous to the last fiscal year and under the Happy management, prisoner George Barker, a young man from Union county, age 21, height 5 feet 7½ inches, weight 172 pounds, was received at Eddyville prison March 30, 1896; he died of typhoid fever on May 18, 1896, just one month and eighteen days after his arrival, see warden annual report for fiscal year ending November 30, 1896, page 15. Also Seymour Lambert, a young white man from Warren county, received at Eddyville prison April 21, 1895, (first day Warden Happy had charge), age 22, height 5 feet 4½ inches, weight 147 pounds, he died August 4, 1896, of typhoid fever, see same report. Also Walter Christian, colored boy from Warren county, received at Eddyville prison April 21, 1896, died of consumption of lungs August 10, 1896, age 16 years, height 5 feet 3¾ inches, weight 126 pounds; he had pretty good weight to be carried away with such a disease, (see same report.) Also Henry Nixon, colored man from Simpson county, received at Eddyville prison June 30, 1896, died of consumption November 3, 1896, just four months and three days, age 46, height 5 feet, 7½ inches, weighed 139 pounds, see same report.

It will be noticed that of the eight deaths mentioned above only one came from the Frankfort prison, and he was in good

bodily condition when he was transferred to Eddyville. It will also be noticed by above examples that some healthy prisoners from Eddyville penitentiary district soon die after they become inmates of the Eddyville penitentiary. This juggling of figures as seemingly practiced on page three, of the warden's report, dated November 30, 1897, deserves the severest condemnation that can be meted out to the warden, Mr. James H. Happy.

In front of the prison there is a picket wood fence of frail construction which bears appearance of having been gotten out at the planing mill and then put together by convicts, in the first place if wood fences are proper about prisons at all, the material should have been gotten out of the rough into finished condition by the idle prisoners in order that they might have employment and the expense saved to the State Treasury, but your Committee is of the opinion that the money expended on this fence was worse than thrown away, because instead of this frail affair the warden should have erected a stone wall where he has so much stone to be had for the quarrying right inside the walls of the prison and 300 idle convicts loafing about. This stone wall could have been erected without any cost whatever to the State and would have been something permanent. This fence demonstrates and shows plainly that a warden of a penitentiary should be a man of some practical knowledge and business judgment together with sufficient energy to apply himself.

Through the prison yard there are some brick walks of recent making, out of the brick taken from the shop building, totally unfit for the purpose of paving, because the first hard winter will destroy them. They are building brick and not paving brick. These walks already show some signs of decay. These brick could have been used to advantage in rebuilding the shops now nearing completion instead of having so many new brick purchased for the said new shop building. These walks should have been made permanent, out of stone to be had for the quarrying right inside the prison walls inclosing



the prison grounds. With 300 idle convicts there is no excuse for this waste of State property.

In one of the cell houses your Committee saw the heavy leather strap attached to a hickory stick, which is used to punish the prisoners. The leather is too heavy and should be replaced by lighter material, if, indeed, a strap is needed about a prison at all. We were informed by the guard (a Mr. Stewart) who was with the Committee at the time, that this brutal affair was applied on the bare flesh of the prisoners. This is an outrage. The prisoners should at least be allowed to keep one garment over their flesh while being punished, and not be compelled to expose their bare flesh to the lash. A little energy, good judgment and capacity for business displayed by the warden of this institution for the benefit of the prisoners and the good of the State Treasury would have a more wholesome effect upon, and a better example to the unruly convicts than this strap.

#### AS TO EXPENDITURE OF STATE FUNDS FOR THE SUSTENANCE OF THE EDDYVILLE PRISON.

There seems to be quite a difference of opinion and statement of facts by our State Treasurer, George W. Long, our Auditor of Public Accounts, Samuel H. Stone, and Warden J. H. Happy. See Treasurer's report from July 1, 1896, to June 30, 1897, inclusive. Mr. Long claims to have paid warrants under the heading of "branch penitentiary" for that particular year \$48,556.56, while Auditor of Public Accounts Samuel H. Stone, who has his office in the same building with Treasurer Long, and just across the hall, shows in his report for same identical fiscal year, namely July 1, 1896, to June 30, 1897, inclusive (page 135), that warrants were issued by him for that particular fiscal year for the branch penitentiary \$51,682.61.

Warden James H. Happy in his annual report for fiscal year ending November 30, 1897, page 24, shows that his total expenditures was \$60,877.72, less an inventory claimed to be

on hand at the beginning of that fiscal year \$3,151.87, which would be \$57,725.85.

When the Legislative Committee investigated this prison in May, 1897, they were furnished with an itemized statement and report for 317 days from June 18, 1896, up to May 1, 1897, showing the expenses of this institution for the said 317 days to have been \$51,181.98; the items and amounts making up this statement will be found in this report. The whole year of 365 days at the same ratio as per this itemized report would have been \$58,932.90.

When Warden J. H. Happy made up his annual report for fiscal year ending November 30, 1896, see page 5, he made the following statement over his signature: "I have paid out \$26,222.77, including salaries, or \$17,335.45 less salaries. From this should be deducted the provisions on hand more than I had when prisoners were received \$3,151.87 and clothing, fixtures, etc., \$2,771.21."

By adding these two amounts together it will be seen that he had on hand at the end of that fiscal year, November 30, 1896, provisions, clothing, fixtures, etc., as per his own statements \$5,923.08.

Now turn to the annual report of Warden Happy for fiscal year ending November 30, 1897, see page 24, exhibit No. 14. supplies on hand at beginning of fiscal year, provisions \$1,575.93, dry goods and clothing \$1,575.94, or a total of \$3,151.87.

Thus it will be seen that Mr. Happy gives himself credit for supplies on hand at the end of one fiscal year \$5,923.08, and on the next day, December 1, 1896, he charges himself with supplies on hand \$3,154.87, thus dropping from his expenditure account the difference between the two amounts which is \$2,771.21; see his annual report December 1, 1896, page 5, and his annual report November 30, 1897, page 24.

Your Committee had but very limited time to examine into the expenditures of this institution. While we were in Eddy-

ville we succeeded in securing copies of the warden's annual report for fiscal year ending November 30, 1897; according to law or custom this printed report should have been on the desk of every member of the General Assembly January 4, 1898, but it has not been placed there up to this date, (March 5th). But from the copies furnished us at Eddyville, page 24, we notice that the warden claims an inventory of provisions, dry goods and clothing, provender, fuel, etc., together with fixed improvements \$13,667.75.

The chairman of the House Prison Committee addressed and forwarded the following letter:

Frankfort, Ky., Feb. 24, 1898.

Mr. J. H. Happy,  
Warden Penitentiary,  
Eddyville, Kentucky.

Dear Sir: Please send me by return mail an itemized copy of the following inventories as stated on page 24 of your annual report, November 30, 1897.

Fixed improvements.....	\$7,929 85
Provisions .....	2,335 59
Dry goods and clothing.....	3,251 31
Fuel.....	36 00
Provender for stock.....	115 00
Total .....	\$13,667 75

Most respectfully,  
(Signed) SOUTH TRIMBLE,  
Chairman Prison Committee.

In answer to the above letter, the warden, Mr. J. H. Happy, wrote the following letter, which indicates very clearly to the Committee that no inventory was taken November 30, 1897, as indicated in the report on page 24. His letter was as follows:

Eddyville, Ky., February 25, 1898.

Hon. South Trimble,

Chairman Prison Committee,  
Frankfort, Ky.

Dear Sir: In answer to your letter of the 24th asking for an itemized statement of certain parts of my annual report November 30, 1897, I have to say that it will take three or four days to get up same. The clerk keeps no separate account of fixed improvements, and we will have to examine every item in the general expenditure account for 12 months. I will have him get up the statement and send it to you as quickly as possible.

Very respectfully,

[Signed]

J. H. HAPPY,  
Warden.

Up to this date, March 5th, no statement of items has been received from the Eddyville warden, and it seems to your Committee that if an inventory had been made November 30, 1897, as indicated by Mr. Happy on page 24 of his annual report, it would not take him two or three or four days' time to make a copy of it. This letter of the warden's but indicates the looseness and lack of capacity to be seen about the Eddyville penitentiary. This same annual report, page 24, indicates that the salaries for the fiscal year was \$20,013.20. In the table, the salaries for each of the 12 months are mentioned separately. The month of March is shown as \$1,758.06, see copies of letters in this report under date March 1, 1897; and April 1, 1897, written to Governor William O. Bradley and State Inspector and Examiner, C. W. Lester, showing salaries for month of March, 1897, to have been \$1,893.06, or \$346.40 more than salaries (per month) of former administration.

In the itemized statement furnished by the Legislative Committee for May, 1897, for 317 days from June 18, 1896. to May 1, 1897, salaries are put down as per pay-rolls.

\$17,465.39, and salaries mentioned as being put in with merchandise, \$713; thus clearly indicating that salaries for the Eddyville prison will be found to appear in more than one place and under more than one heading.

Eddyville, Ky., March 1, 1897.

Judge C. W. Lester,

State Inspector and Examiner,

Frankfort, Ky.

Honored Sir: The pay-roll for the month of February goes forward this afternoon; the amount is \$1,754.63. In January it was \$1,705.83, and before that time it was still less. For February there is in invoice claims to go forward to-morrow claim of T. A. Duffy, \$60, and J. M. Burgher, \$69, for salaries; these are in invoice claims or monthly report claims paid by warden every month, and the engineer part has been in since last summer; first in the name of Chenoworth and lately in the name of Duffy. It may, and does skip a month, but it turns up double the next month, thus there are pay-rolls for this institution in more than one place in each month.

Most respectfully,

[Signed]

C. I. CAUFIELD,

Clerk Eddyville Penitentiary.

Eddyville, Ky., April 1, 1897.

Gov. William O. Bradley,

Governor of Kentucky.

Honored Sir: I have sent to Auditor's office pay-rolls for March. It is just a little heavier than last month, which was a little in advance of January. The roll now stands at \$1,758.06. Under the old administration it was \$1,546.66. There are also two claims for wages for month of March that will appear on invoice of claims amounting to \$135, thus making total pay-rolls for the month of March of \$1,893.06, or \$346.40

more than former administration; and the average number of prisoners is now about 100 less than it was this time in 1895.

Most respectfully,

[Signed]

C. I. CAUFIELD,  
Clerk Eddyville Penitentiary.

In order that salaries and other matters in connection with expenditures at this institution might be looked into and considered, the following letter was written and delivered to Hon. Sam H. Stone, Auditor of Public Accounts and member Sinking Fund Commissioners and Prison Director.

Frankfort, Ky., February 24, 1898.

Hon. Sam H. Stone,

Auditor Public Accounts.

Dear Sir: Please send by the bearer the following statements and reports sent to your office from the Eddyville penitentiary:

Statements, invoice claims together with attached approved invoices for the 12 months from December 1, 1896, to December 1, 1897. Monthly reports of expenditures paid by warden for same months. Pay-rolls for same 12 months.

Monthly and other statements and reports of convict time charged to contractors, prison officials and others.

Also itemized statement of all payments made direct through your office for same months, including rewards, commissioner's expenses, etc., which are not included in the above mentioned statement.

Most respectfully,

[Signed]

SOUTH TRIMBLE,  
Chairman Prison Committee.

To the above letter the following answer was received:

Frankfort, Ky., February 24, 1898.

Hon. South Trimble,  
Chairman Prison Committee,  
Frankfort, Ky.

My Dear Sir: Yours of this date received; the vouchers, invoices, etc., you call for, are part of the records of this office, for which I am personally responsible under my bond, and I cannot permit them to leave this office. I will be very glad to appear before your Committee and bring these statements with me, or, if your Committee desires to look over the papers in this office, I will give you all the facilities possible.

Yours very respectfully,

[Signed]

SAM H. STONE,  
Auditor.

The two following letters were then sent. They were delivered to Sam H. Stone in person by the clerk employed by the Committee.

Frankfort, Ky., February 28, 1898.

Hon. Sam. H. Stone,  
Auditor Public Accounts.

Dear Sir: In answer to yours of February 24th, offering facilities in your office for examination of Eddyville prison documents and reports, I request that you allow bearer to examine pay rolls, invoice of claims together with invoices for same, monthly report of the expenditures paid by the warden of the Eddyville penitentiary. The said pay-rolls, statements and reports desired are the ones sent from the Eddyville penitentiary to your office for 12 months from December 1, 1896, to December 1, 1897.

Most respectfully,

[Signed,]

SOUTH TRIMBLE,  
Chairman Prison Committee.

Frankfort, Ky., February 28, 1898.

Hon. Sam. H. Stone,

Auditor Public Accounts.

Dear Sir: Yours of the 24th in answer to mine of same date has been received. I will again most respectfully ask that you send me certified copy of statements of all payments made direct through your office for the Eddyville penitentiary during 12 months from December 1, 1896, to December 1, 1897, including rewards, Commissioners' expenses and other expenses that were not reported to your office through the medium of monthly reports, invoices of claims, etc., approved and sent in by the warden of the Eddyville penitentiary. Also ask certified statement of convict time charged to contractors, prison officials and others, during same 12 months. Also please send me copies of minutes of all meetings of Board of Sinking Fund Commissioners sitting as prison directors, as recorded by you as secretary of Prison Board, which in whole or part relate to business, management, officials, prisoners, rules, regulations or other matters pertaining to the Eddyville penitentiary, from January, 1896, up to this date.

Most respectfully,

[Signed]

SOUTH TRIMBLE,  
Chairman Prison Committee.

When the above two letters were delivered to Mr. Stone he read them over and sent verbal answer as follows:

"Tell South Trimble that I will write him a letter." But up to this time, March 5, no letter has been received by Chairman of your Committee, although Mr. Stone sent the message spoken of above on March 1.

In his message to this Legislature in speaking of the Eddyville penitentiary Gov. Bradley states on page 12 as follows: "In March 1897, from 75 to 150 convicts were leased to the Leonard Taylor Company at 35 cents each per day, to engage in the manufacture of clothing."



The warden's report, page 23, shows no returns whatever for labor of convicts hired to the Leonard Taylor Company for the months of March and April, 1897, and for the month of May return of only \$315 is made. There was at least 26 working days in May, and if only the lowest number of convicts spoken of by the Governor, 75 were employed, it would amount to 1,950 days, at 35 cents per day \$682.50, instead of \$315 as reported in annual report. When Chairman of your Committee went through this clothing shop on February 21 and 22, 1898, he was told by the clerk of the Leonard Taylor Co., that they had 120 men on an average at work, but with the Auditor of Public Account, Sam H. Stone, to whom all such reports are sent, persistently refusing to give information as shown by above stated correspondence, your Committee in its limited time was compelled to get its information from the Governor's message and Warden Happy's report, and then your Committee only secured the warden's report at Eddyville, when reached there, 257 miles from the State Capital.

A committee from the last Legislature made investigation of this prison and the following itemized reports of expenditures for 317 days from June 18, 1896, up to May 1, 1897, was furnished them. The items for the same are herewith submitted as part of this report. It shows an expenditure of \$51,181.98 for the 317 days mentioned. The whole year of 365 days at same ratio would have been \$58,932.90.

Meats purchased in 317 days, from June 18, 1896, to May 1, 1897, for 487 average daily convicts:

44,310 lbs. fresh beef.....	\$2,160 80
80,690 lbs. bacon.....	3,319 26
5,000 lbs. corned beef .....	200 00
4,008 lbs. ham.....	240 48
6,000 lbs. pickled pig's feet.....	200 00
3,000 lbs. pickled tripe.....	82 50

1,000 lbs. canned meats.....	55 00
200 lbs. braised meat.....	12 00

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144,208 total pounds, total cost of.....\$6,270 04

Breadstuffs for same period:

105,056 lbs. flour (536 bbls.).....	\$1,825 80
43,396 lbs. meal (904 bu.).....	321 21

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148,446 lbs. total cost.....\$2,147 01

Vegetables, etc., purchased in 317 days, from June 18, 1896.  
to May 1, 1897, for 487 convicts daily average:

1,673 lbs. dried peas .....	\$ 23 39
9,194 lbs. dried beans .....	153 50
3,150 lbs. green beans, (weight estimated) .....	21 00
2,700 lbs. hominy (15 bbls., weight estimated).....	30 00
3,540 lbs. turnips .....	15 95
14,307 lbs. onions, gathered by prisoners .....	51 00
43,004 lbs. potatoes .....	128 05

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78,004 lbs. at total cost of..... \$ 423 09

Groceries purchased for same period, eatables only:

3,730 lbs. sugar .....	\$ 154 57
5,522 lbs. coffee, (several hundred lbs. additional paid by prisoners).....	627 19
52,578 lbs. molasses, 4,381 gals. (weight estimated)	617 12
950 lbs. mince meat.....	57 (M)
4,937 lbs. rice .....	108 54
493 lbs. pepper .....	36 83
154 lbs. soda .....	3 12
518 lbs. prunes .....	20 72
100 lbs. lard.....	5 50
5,082 lbs. dried peaches and apples .....	112 47
40 lbs. hops .....	16 00

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74,104 total lbs., at total cost of.....\$1,759 06

March 15. HOUSE OF REPRESENTATIVES. 1187

Fancy groceries and sundries (317 days):

Yeast.....	\$10 75
Milk.....	66 65
Pickles.....	80
Canned peaches.....	4 40
Total.....	<u>\$82 60</u>

Canned gooseberries \$1 20, canned tomatoes, \$3 20...	4 40
Canned E. J. peas, \$5 10, crackers, \$4 32, jelly \$3 20	12 62
Two bbls. apples \$3 70, four boxes lemons \$11 20...	14 90
34 bbls. salt \$54 48, 48 sacks table salt \$1 60.....	56 00
Vinegar 256 gals.....	34 94
402 lbs. mutton, \$20 10, 90½ gals, apple vinegear, \$16 29, (paid out of hospital fund).....	<u>36 39</u>

Cost.....	\$241 85
16,086 lbs., estimated weight.	

FREIGHTS.

On provisions.....	\$274 86
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RECAPITULATION PROVISIONS.

Purchased in 317 days from June 18, 1896, to May 1, 1897, for 487 daily average convicts:

144,208 lbs. meat.....	\$ 6,270 04
148,446 lbs. flour and meal.....	2,147 01
78,004 lbs. vegetables, etc.,.....	423 09
74,104 lbs. groceries (eatables only).....	1,759 06
16,086 lbs. fancy groceries and sundries.....	<u>241 85</u>

460,848 lbs. provisions at total cost of.....	\$10,841 05
Add freight paid on provisions.....	<u>274 86</u>

\$11,115 61

Cost per day each convict (nothing but raw eatables).  
7 1-5 cents.

Pounds per day dry provisions only for each convict three  
(3).

The above table includes only first cost of provisions without incidental expenses such as fuel, water, and steam for cooking, cost of kitchen, dining and other fixtures and supplies which are included in other tables.

## SUNDRIES.

During same 317 days:

72 boxes soap.....	\$185 75
24 cases lye and 2¼ dozen boxes lye.....	73 58
Matches.....	8 20
Paid for hauling water and supplies.....	159 74
Kitchen and dining-room supplies, range repairs and lamps.....	128 71
2259 gallons illuminating oil.....	221 82
6955 lbs. (mostly trash) leaf tobacco.....	100 90

(Prisoners paid for several hundred pounds plug tobacco out of their own money.)

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\$878 70

## DRUGS.

During same 317 days:

Medicines.....	\$829 09
Whiskey.....	58 58

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\$887 67

## GARDEN SUPPLIES.

Plows, etc.....	\$37 60
Hoe handles.....	1 25
Onion sets and garden seed (extra for potatoes planted).....	51 80

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\$90 65

## MULES AND OLD WAGONS.

Two old mules, one old wagon and harness.....	\$140 00
Paid cash in trading mules.....	40 00

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\$180 00

Paid for hire of same team before purchase with State furnishing convict drivers.....	159 74
State, after the mule trade, owns a pair of old white mules worth not to exceed.....	70 00

MULE FEED PURCHASED,

For two mules belonging to the State, from August 26, 1896,  
to May 1, 1897, and two borrowed mules from November 9,  
1896 to May 1, 1897, which is equal to one mule for 28  
months:

7,328 lbs. oats,  
15,521 lbs. hay,  
20,256 lbs. corn,

43,105 lbs. feed at a cost of \$228.36:

Each mule 51½ lbs. hay, corn and oats per day.

CELL HOUSE SUPPLIES, &c.

Cell locks and keys.....	\$ 95 00
Pistol repairs.....	7 90
62 (second-hand) night buckets and 56 crocks.....	104 50
100 new night buckets (galvanized and made to order).....	30 00
Stove pipe stacks in cell houses.....	71 00
Stoves and pipes.....	143 39
Supplies, fire-brick and excelsior.....	594 07
Blankets.....	173 30
1,094 second-hand blankets.....	\$410 51
Less what belongs to the State.....	37 50
	<hr/> 373 01
85 second-hand mattresses and ticks (specially the ticks).....	65 17
1 sheet and 12 spreads in hospital.....	14 95
Second-hand wagon scales.....	75 00
Platform scales, second-hand.....	10 00
Four old sewing machines (worn out when pur- chased).....	20 00

Two new sewing machines and repairs for old ones..	76 40
Repairs roof and guttering.....	381 35
	<hr/>
	\$2,234 95

## CONVICT CLOTHING, ETC.

For 317 days:

1,288 pairs second-hand drawers.....	\$ 154 56
1,092 pairs second-hand pants.....	} 805 90
1,009 second-hand shirts.....	
371 second-hand coats.....	
46 second-hand vests.....	
New convict clothing (stripes, ready made).....	58 60
2,325 pairs socks (487 prisoners, daily average population).....	230 30
384 pairs suspenders (for discharge prisoners).....	51 13
17,484 yards penal stripe ticking, sheeting, etc.....	2,089 89
Thread, buttons and needles.....	61 08
1,739 pair shoes (some second-hand).....	1,443 25
Sole leather, tacks, etc., for shoes, repairs.....	124 02
Discharge clothing and hats purchased.....	1,395 90
	<hr/>
	\$6,414 59

## ENGINEER'S SUPPLIES, ETC.

For 317 days:

Steam pump repairs.....	\$ 82 70
Pipe fittings and supplies.....	480 87
Blacksmiths' and carpenters' tools.....	128 68
Two new boilers (hauling and setting extra).....	895 70
One stand pipe water tank.....	1,192 97
Boiler breeching.....	211 65
14 days machinist setting boilers.....	61 50
25½ days bricklayers (setting new boilers and other work).....	98 25
Ropes, steel, blocks, barrows purchased specially for stone quarry.....	198 02
Architect's fees, examining burned walls.....	33 50
	<hr/>
	\$3,383 84

## FIRE WOOD.

22½ cords wood for bake-oven.....	\$22 50
40 cords wood for bake-oven.....	19 20
6 loads wood for bake-oven.....	3 00
	<hr/>
	\$44 70

The State paid extra for hauling or did the hauling with State teams and convict drivers, the wood being mostly limbs and refuse stuff gathered up by convicts from the woods of Mr. George Catlett. This is the same gentleman who had slop contract (spoken of by State Inspector C. W. Lester) for months without warden reporting same to clerk for charge. He testifies as follows, as witness brought in for or by J. H. Happy, warden; (see report and evidence and investigation by three commissioners February, 1897, pages 52-53, questions asked by attorneys for Happy):

Q. Are you acquainted with Mr. Happy?

A. Yes sir.

Q. Are you acquainted with his general management, inside management of the prison?

A. Yes sir.

Q. How has it been since he has been here?

A. So far as I can see, it has been all right.

Q. How does it compare with former managements?

A. It is as good, if not better than former managements.

Q. Do you know anything about the trusties?

A. He has some trusties out but not so many as before.

Q. Do you visit the depot frequently?

A. Yes sir. I am right there beside the depot and I pass there every day.

Q. Have you ever seen any misconduct on the part of the trusties there?

A. No sir. But I think I could have seen it if there had been anything of the kind.

Q. Have you the beef contract with Warden Happy?

A. Yes sir.

Q. Did you also have a wood contract with Mr. Happy?

A. Yes sir.

Q. Tell about it?

A. I was clearing some land down here and Happy wanted the wood. I said to him "why don't you take these idle fellows and get this wood in." I agreed to take 40 cents a cord for it and he to have it chopped and hauled.

Q. Are they still getting that wood?

A. Yes sir. There has been no settlement.

#### Examined by the Commissioners.

Q. Do you see convicts about the depot frequently?

A. Yes, sir.

#### COAL.

725½ tons run of mine.....	\$430 03
213 tons slack.....	59 48
476½ tons nut.....	260 08
276¾ tons lump .....	256 80
<hr/>	
1,611½ total tons cost at mines.....	\$1,006 39
Freight on coal.....	1,715 06
<hr/>	

This does not include hauling from the depot to the penitentiary..... \$2,721 45

This 317 days was from June 18, 1896 to May 1, 1897.

Shops burned down before any of the above coal was purchased, namely, May 14, 1896.

#### LUMBER AND BUILDING MATERIAL.

For 317 days.

83,360 feet lumber, flooring and ceiling.....	\$1,128 75
72 squares iron roofing.....	172 80
25 squares iron roofing.....	60 00
60 squares iron siding.....	120 00



March 15.      HOUSE OF REPRESENTATIVES.      1193

Nails.....	63 83
Hardware, locks, hinges, etc.....	40 20
Paints, oils and brushes.....	127 95
5,250 wood shingles.....	18 37
Window sash and glass....	62 70
Sills, scantling and strip lumber.....	66 86
Fire-clay and cement... ..	82 07
Wall paper.....	45 39
	<hr/>
	\$1,988 92
Add freight on lumber and sundries.....	257 42
	<hr/>
	\$2,246 34

During this period of time one iron-covered shop shed was erected, one guard shanty was built on wall to take place of one burned, while occupied by an inexperienced boy acting as guard, one brick water-closet shed with shingle roof, twenty-four coffins and about six over boxes.

#### LIME.

156 barrels of lime.....\$69 25

The above was purchased principally to purify cell-houses and cells by applying whitewash (three cell-houses and 414 cells).

#### THE FOLLOWING LETTERS EXPLAIN THEMSELVES.

Hon. Chas. White was Representative from Hardin county and one of the Prison Investigation Committee in May, 1897.

Eddyville, Ky., May 18, 1897,

Mr. Charley White,

Frankfort, Ky.

Dear Sir: We furnished the prison on March 22d 15 barrels lime at 40 cents per barrel, which was market price, and would like to furnish more at these figures.

Yours truly,

[Signed]

BOYD BROS.,

Eddyville, Ky., May 18, 1897.

Mr. Chas. White:

Honored Sir: I beg leave to call attention to the matter of purchases of lime at this institution. In statement made up for your Committee I reported 156 barrels lime at an expense of \$69.25, but since making up that report my attention has been called to an account due Boyd Brothers of this city for 15 barrels of lime at 40 cents, total \$6, bought in March. These gentlemen claim that this bill was presented to the warden April 1st, and again May 1st, but it has never been handed to me by the warden to be reported to Auditor for settlement. But in looking over approved accounts at the request of these gentlemen to see if their claim had been allowed, I discovered some evidence which I consider important to your Committee. I find that the State paid 50 cents per barrel for lime in July, while in December the price was 35 cents per barrel, in March as per the inclosed copy of Boyd's bill, the price was 40 cents per barrel, see inclosed letter from Boyd Bros. stating that they are still willing to sell lime to prison at 40 cents per barrel.

Mr. I. Nauheim, of Paducah, sold the penitentiary some lime in March at 75 cents per barrel and freight, and in April 15 barrels more at 75 cents and freight, all other purchases of lime were made here in Eddyville for 50, 40 and 35 cents per barrel, and no freight paid. Mr. Nauheim is the same man that furnished this prison many different kinds of supplies and at same time had a small contract for labor here in hoop-pole works. The difference in number convicts reported (by guard) and actually used I made plain to your Committee while here.

Most respectfully,

[Signed]

C. I. CAUFIELD,

Clerk Eddyville Penitentiary.

#### SUNDRY EXPENSES.

For 317 days.

Rewards paid at prison (more paid by Auditor).....	\$ 100 00
Ferriage over Cumberland river.....	13 55

March 15.      HOUSE OF REPRESENTATIVES.      1195

Telegrams.....	19 71
Postage stamps \$66.50, post office box \$1.00.....	67 50
Clerk, one trip to Frankfort by order of the Governor on annual report.....	18 05
Warden, four trips to Frankfort.....	65 40
Commissioner's trips to Eddyville.....	279 00
Transportation orders, discharged prisoners.....	602 82
Cash transportation discharged prisoners.....	121 15
224 gate fees to discharged prisoners (\$5.00 each).....	1,220 00
	<hr/>
	\$2,507 18

SALARIES

For 317 days:

Salaries as per pay-rolls.....	\$17,465 39
Salaries put in with merchandise.....	713 00
	<hr/>
	\$18,178 39

RECAPITULATION EXPENDITURES EDDYVILLE PENITENTIARY FOR  
317 DAYS FROM JUNE 18, 1896, TO MAY 1, 1897, FURNISHED TO LEGISLATIVE COMMITTEE IN MONTH  
OF MAY, 1897, BY PRISON CLERK.

Provisions.....	\$11,115 91
Sundries.....	878 70
Drugs and whiskies.....	887 67
Garden supplies.....	90 65
Mules and old wagon (including mule trade).....	180 00
Mule feed.....	228 36
Cell-house supplies, etc.....	2,234 95
Convict clothing, etc.....	6,414 59
Engineer's supplies, etc.....	3,383 84
Fire wood.....	44 70
Coal, (including freight on same).....	2,721 45
Lumber, etc.....	2,246 34
Lime.. ..	69 25

Sundry expenses.....	2,507 18
Salaries.....	18,178 39
317 days.....	\$51,181 98
Whole year at same ratio would have been.....	\$58,932 90

PRESENT MANAGEMENT EDDYVILLE PENITENTIARY AS COMPARED WITH FORMER MANAGEMENTS.

There is no way to make comparison between the management of present and former wardens, because the management by Warden Curry during the administration of Governor John Young Brown, was under the lessee system, the contractor, feeding, clothing and furnishing supplies for the prisoners, while the State furnished officers and guards, together with office supplies and clothing, home transportation for discharged prisoners who had served out their term. The present management by Warden Happy commenced April 21, 1897; the great shops were consumed by fire on evening of May 14, 1896; contractors refused further to sustain prisoners and Governor William O. Bradley as Chairman of the Board of Prison Directors ordered Warden Happy to commence sustaining prisoners at State expense on June 18, 1896, according to present law which went into operation at the Frankfort prison several years ago and it was stipulated in this act that the Eddyville penitentiary was to be governed by it also after the expiration of the then existing contract. Under their agreement the lessees had the right (so decided by court) to let prisoners outside the walls of the penitentiary to work on farms, at residences, about depots and etc., but when that contract ceased then there was no authority anywhere to be found in the statutes and acts of the Legislature that gave commissioners or warden any authority to turn out upon the public any convict whatever, either to work at the residence of warden or otherwise (except in cases of war or pestilence, then the commissioners have the authority to remove any prisoners to places of safety either

for the benefit of the prisoners or the neighborhood in which the prison is located). There is no such word as "trusty" in the acts or statutes of the State of Kentucky and it is wise that there is not; those who have infringed upon the rights of the people living in the neighborhood of the Eddyville penitentiary should be dealt with according to law. When your Committee visited that prison February 21 and 22, 1898, they found convicts roaming about, and when questioned by the members of this Committee, they stated that they were turned loose upon the public at 4 o'clock every morning. Two of them went daily to do work for the warden at his residence outside the walls. Four went daily to residence of deputy warden to labor and cook in his boarding house and hotel that he runs in the administration building. The various tables of receipts and expenditures as set forth in annual report of warden dated November 30, 1897, have been examined and nowhere does there appear any charge or credit that goes to show that the State has or will receive one cent for the labor of these convicts.

In conclusion your Committee desires to say with what facilities they could command, from Governor's message, Treasurer's printed report, Auditor's printed report, annual printed reports of Eddyville wardens, together with itemized statements and reported expenses furnished to Legislative Investigating Committee in 1897, we have come to the conclusions set forth.

As indicated by correspondence herein copied we were shut off from the examination of monthly reports, pay-rolls and other statements of this prison. In the limited time we could give to this matter it was impossible for the committee to take the time to compel the Auditor of Public Accounts and the warden to produce and give access to the itemized statements desired.

What the Committee saw about the prison was sufficient to condemn the commissioners and the Eddyville Warden, Mr. J.

H. Happy and his management. The prison as it is being conducted is a disgrace to the State chargeable to the Board of Commissioners and the prison officials. Much evidence has heretofore been taken and reported by the State Inspector, C. W. Lester, (in December 1896) who severely criticised and condemned the management. The Legislative Committee of 1897 did the same thing and in addition recommended the removal of Warden J. H. Happy.

In addition to this three of the commissioners conducted an investigation in February 1897 and up to this time they have made known to the public no report whatever. Although they did have printed by order of legislative resolution, some evidence taken by them.

Another year has passed by and the prison is in a wretched condition due to neglect both by Warden J. H. Happy and the Board of Sinking Fund Commissioners.

The Committee begs leave to submit to the Legislature to determine what remedy should be applied, but let something be done at once which will remedy effectually this evil and outrageous waste of public money.

After the foregoing part of this report was written and ready to be submitted the following letter and inventories were received from the warden of the Eddyville penitentiary, Mr. James H. Happy. We give the letter and inventories in full, including his postscripts on inventories calling attention to the various mistakes of "acting" clerk of the prison, who is Mr. John M. Tinsley:

March 15. HOUSE OF REPRESENTATIVES.

1199

J. H. Happy, Warden.

Burrell Beard, Deputy Warden.

Jno. M. Tinsley, Clerk.

D. F. Kerr, Chaplain.

C. H. Linn, Physician.

Office of

KENTUCKY-BRANCH PENITENTIARY.

Eddyville, Ky., March 4, 1898.

Hon. South Trimble,

Chairman Prison Committee,

Frankfort, Ky.

Dear Sir: I have the honor to transmit herewith an itemized statement of the accounts as per request of your letter.

It has been quite a tedious job having to look at every item for 12 months.

If you wish to look at the items of each bill in the account of fixed improvements you will find the bills on file in the Auditor's office. I find the clerk included in this account about \$200 worth of hardware which should have been charged to general expense account. Also about \$115 worth of provisions. He also put \$164.66 worth of freight in this account. While this particular freight account may not all have been charged properly to this account, yet there was that much freight or more, paid on these fixed improvements.

These errors would add slightly to the general expense account. There are \$421.64 worth of provisions on hand more than he reported which he should have taken from general expense account. This leaves the statement of general expense about the same and does not change the daily pro rata to any measurable extent.

Regretting that I could not furnish you this statement sooner, I am,

Very respectfully,

[Signed]

J. H. HAPPY,

Warden.

ITEMIZED STATEMENT OF THE FIXED IMPROVEMENTS ACCOUNT  
AS SHOWN IN THE ANNUAL REPORT OF THE WARDEN  
OF THE KENTUCKY BRANCH PENITENTIARY  
FOR THE YEARS 1896 AND 1897.

## DECEMBER, 1896.

Dec. 31. Geo. Catlett, lumber .....	\$ 26 60
Dec. 4. Johnson Foundry & Machine Co., plumbing material.....	83 47
Dec. 5. Johnson Foundry & Machine Co., plumbing material.....	62 72
Dec. 10. Johnson Foundry & Machine Co., plumbing material.....	34 95
Dec. 14. Johnson Foundry & Machine Co., two boilers and fixtures .....	1,022 30
Dec. 18. Johnson Foundry & Machine Co., smoke stack..	31 00
Dec. 7. H. C. Cothran, roofing.....	56 30
Dec. 18. H. C. Cothran, roofing and guttering.....	47 70
Dec. 29. Ed. Beatty, prison buckets.....	30 00
Dec. 3. Bridgeford & Co., stoves.....	37 45
Total amount.....	\$1,381 49

## JANUARY, 1897.

Jan. 31. J. M. Burgher, superintendent stone quarry....	\$ 51 00
Jan. 14. G. M. Champion, two sewing machines.....	70 00
Jan. 9. W. J. Ray, lumber.....	.6 00
Jan. 18. Elmo Machen, lumber.....	18 02
Jan. 29. Suwanee Spoke & Lumber Co., lumber.....	16 70
Jan. 7. Clinton & Dycus Hardware Co., hardware.....	6 85
Jan. 31. T. W. Tinsley, sand.....	4 40
Jan. 21. H. C. Cothran, roofing.....	85 30
Jan. 15. W. H. Warfield, laying brick.....	24 00
Jan. 16. Ed. Harris, laying brick.....	55 00
Jan. 4. W. J. Harris, architectural examination.....	85 50
Jan. 19. W. A. Gunther & Sons, tools.....	43 66
Jan. 14. Scott Hardware Co., roofing and siding.....	292 80
Jan. 16. Johnson Foundry & Machine Co., boilers.....	61 50
Dec. 30. I. Nauheim, cement and fire clay.....	20 15



March 15. HOUSE OF REPRESENTATIVES. 1201

Jan. 21. W. B. Belknap & Co., hardware.....	847 94
Dec. 31. S. P. Graham, window glass.....	19 75
Jan. 26. Granger & Co., cement.....	7 02
Jan. 25. Granger & Co., standpipe.....	1,192 97
Jan. 12. Chas. Robinson, laying brick.....	8 75

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Total..... \$2,828 28

FEBRUARY, 1897.

Feb. 28. J. W. Burgher, superintendent stone quarry.....	\$ 69 00
Mar. 1. H. D. Cothran, roofing .....	52 10
Feb. 28. W. B. Belknap & Co., hardware.....	78 85
Feb. 17. W. J. Ray, lumber and hardware.....	191 82
Jan. 14. Johnson Foundry & Machine Co., pump supplies,	79 95
Feb. 20. Scott Hardware Co., roofing.....	60 00
Feb. 5. Bradley & Gilbert Co., books.....	84 70
Feb. 20. Mason & Foard Co., fire brick, etc.....	115 88
Feb. 10. Tinsley Bros., lumber .....	549 00
Feb. 26. Tinsley Bros., lumber .....	24 00

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Total amount.....\$1,254 25

By a typographical error the total amount of expenditure for the month of February for fixed improvements is shown in the annual report to be \$1,264.25 when it should be \$1,254.25.

Only a part of the items in the invoice from the Mason & Foard Co., consisted of fire brick, but the bill being a mixed one it was entered in this account by mistake.

MARCH, 1897.

March 18. T. A. Phelps, mules.....	\$ 40 00
March 31. J. M. Burgher, superintendent stone quarry...	75 00
March 8. W. B. Belknap & Co., hardware.....	42 74
March 31. W. H. Warfield, laying brick.....	10 50

1202

## JOURNAL OF THE

March 15.

March and February. W. J. Ray, lumber and hardware..	801 62
March 21. J. W. Gleaves & Son, wall paper.....	12 45
Total amount.....	<u>\$482 31</u>

## APRIL, 1897.

April 22. W. B. Belknap & Co., hardware.....	\$120 56
April 30. J. W. Burgher, superintendent stone quarry....	42 00
April 30. H. C. Cothran, roofing.....	12 45
Dec. 14. I. Nauheim, stoves.....	13 80
April 8. Phillips & Buttorff Mfg. Co., cuspidors.....	31 90
April 29. W. F. Dunn, lumber.....	13 20
March and April. H. C. Cobb, wall paper.....	32 94
April 26. W. J. Ray, lumber.....	14 50
Total amount.....	<u>\$280 85</u>

## MAY, 1897.

May 4. W. B. Belknap, hardware.....	\$ 56 35
April 7. U. M. Boyd, hardware.....	1 60
May 31. H. C. Cothran, roofing.....	32 00
May 14. Chas. Easley, lumber.....	16 20
May 31. Freight.....	164 66
May 19. Mack Woche & Son, surgical instruments.....	22 05
May 6. Johnson Foundry & Machine Co., hardware.....	6 75
Total amount.....	<u>\$299 61</u>

N. B. The item of freight which appears on this sheet is properly charged, but should have appeared in the freight column instead of the "Fixed Improvements" column. However, the freight on the "Fixed Improvements" would exceed this amount.

JUNE, 1897.

June 8. W. B. Belknap & Co., hardware.....	\$ 26 42
June 5 and 14. Chas. Easley, lumber.....	16 00
June 18 and 30. H. C. Cothran, ventilators for cell houses..	188 25
June 12. Mack Wochee & Son, surgical supplies.....	8 96

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Total amount.....\$179 68

JULY, 1897.

July 17. W. B. Belknap & Co., hardware.....	\$18 08
July 20. W. B. Belknap & Co., hardware.....	16 00
July 28. W. B. Belknap & Co., hardware.....	27 78
June 7. M. F. Daum, lumber.....	7 92
July 24. W. S. Cash, hardware.....	3 25

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Total amount.....\$72 98

AUGUST, 1897.

Aug. Ahrens & Ott Manufacturing Co., hose.....	\$298 75
Aug. 4, 7, and 21st. W. B. Belknap & Co., hardware.....	42 51
Aug. 19. Clement Bros., lumber.....	112 48
Aug. 31. Chas. Easley, lumber.....	119 18
Aug. 9. Granger & Co., boiler .....	280 00
Aug. 2. Hill & McNeil, floor dressing.....	15 00
Aug. Kentucky Wagon Works, two wagons .....	76 50
Aug. 18. W. H. Long, stone.....	50 00
Aug. 21. Enoch Harrold, lumber.....	4 00
Aug. 4. Peaslee, Galbert Co., varnish.....	8 25

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Total amount.....\$951 57

SEPTEMBER, 1897.

Sept. 21. Ahrens & Ott Manufacturing Co., hardware.....	\$75 25
Sept. 18. W. B. Belknap & Co., hardware.....	90
July and August. U. M. Boyd, hardware.....	2 55

Aug. 19. E. D. Hammond, hopper closet.....	3 00
Sept. 30. Mr. Moneymaker, lumber.....	8 80

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Total amount..... \$90 50

## OCTOBER, 1897.

Oct. 7. 22, 25 and 27. W. B. Belknap & Co., hardware.....	\$65 34
Oct. 15. Bridgeford & Co., pipe.....	5 77
Sept 31. Geo. Fletcher, superintendent building.....	78 00
Oct. 19. H. C. Cothran, tinware.....	5 25
Oct. 30. H. C. Cothran, roofing.....	10 25
Oct. 5. I. Nauheim, lime.....	17 90
Oct. 29. Ray & Whittington, hardware.....	3 40
Oct. 6. Scott Hardware Co., hardware.....	8 2
Oct. 23. Scott Hardware Co., hardware.....	15 00

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Total amount..... \$209 40

## NOVEMBER, 1897.

Nov. 8. W. B. Belknap & Co., hardware.....	\$ 17 73
Nov. 30. Geo. Fletcher, superintendent building.....	72 00
Nov. 30. C. A. Easley, lumber.....	44 20
Nov. 12. Geo. O. Hart & Son, hardware.....	32 87
Oct. 13 and Nov. 1. Langstaff-Orm Manufacturing Co., lum- ber.....	43 28
Nov. 27. I. Nauheim, cement.....	6 50
Nov. —. Neat-Richardson Co., paint.....	31 71
Nov. 13. Neat-Richardson Co., paint.....	35 00
Oct. 30 and Nov. 10. B. Bannon, fire-proof tiling.....	105 60

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Total amount..... \$388 68

## SUMMARY.

December, 1896.....	\$1,351 40
January, 1897.....	2,328 28

March 15.      HOUSE OF REPRESENTATIVES.      1205

February, 1897.....	1,254 25
March, 1897.....	482 81
April, 1897.....	280 85
May, 1897.....	299 61
June, 1897.....	179 68
July, 1897.....	72 98
August, 1897.....	951 57
September, 1897.....	90 50
October, 1897.....	209 40
November, 1897.....	888 98

Grand total.....\$7,919 85

About \$200 included in the Fixed Improvements account which was invested in hardware should have gone to the general expense account, but this amount is more than offset by provisions to the amount of \$421.64 which was not included in the inventory.

#### INVENTORY OF DRY GOODS AND CLOTHING.

31 suits of clothes .....	\$ 425 75
7 pairs pants.....	27 00
vests.....	2 00
33 pairs shoes, at \$1.00.....	488 00
10 bolts stripes, 2550 yards, at 40 cents.....	1,020 00
3 bolts sheeting, 848 yards.....	42 20
bolts bedticking, 188 yards.....	18 80
1 bolts checks, 2420 yards.....	198 60
bolts checks, 285 yards .....	14 25
10 blankets .....	262 50
1 dozen caps.....	31 50
1 dozen caps.....	32 00
1 pairs suspenders.....	8 90
1 gross white buttons.....	75
gross pants buttons.....	25
1 dozen spools thread.....	12 40
1 dozen spools shoe thread.....	1 50

67 dozen cotton hose.....	40 20
94 dozen wool hose.....	188 00
1 lot shirting stripes.....	306 68
Five lanterns.....	5 00
One dozen lantern globes.....	1 00
Nine dozen tacks.....	2 00
Nineteen locks.....	19 00
Two dozen whitewash brushes.....	11 00
Two dozen knives and forks.....	3 00
Ten glass guages.....	50
Forty-eight files.....	2 40
One oil can.....	1 00
One lot sand paper.....	2 00
One lot piping.....	50 00
One lot stationery.....	43 18
Total amount.....	<b>\$3,251 31</b>

The items on this sheet were charged to the clothing account by an error, as by the nature of the articles it is clear they should have been entered to different accounts.

#### INVENTORY OF PROVISIONS.

49 bbls. flour at \$5.00.....	<b>\$245 00</b>
51 boxes soap at \$2.50.....	127 50
45 lbs. pepper at 5c.....	2 25
1,559 lbs. coffee at 10½c.....	163 69
1,860 lbs. beans (22⅔ bu.) at \$1.25.....	28 33
560 lbs. meal at 40c per bu.....	4 80
100 lbs. soda.....	2 00
1,163 lbs. sugar at 5¾c.....	62 48
50 boxes hams (100 lbs. per box) at 7½c.....	375 00
8 bbls. vinegar.....	16 26
318 gals. molasses at 15c.....	47 70
350 lbs. butterine at 10½c.....	36 75
1 bbl. mince meat.....	25 78

March 15. HOUSE OF REPRESENTATIVES. 1207

19 bbls. salt at 85c .....	16 15
9 bbls. pigs' feet at \$11.00 per bbl .....	99 00
4 bbls. tripe at \$10.00 per bbl .....	40 00
7,995 lbs. bellies at 7c .....	549 65
8,015 lbs. sides at \$6.17½ per cwt .....	494 00
117 cases (1-gal. cans) tomatoes .....	284 00
1 lot dried peaches .....	65 81
1 lot Irish potatoes .....	121 00
	<hr/>
	\$2,757 28

INVENTORY OF FUEL.

Four car loads of coal.....\$86 00

INVENTORY OF PROVENDER FOR STOCK.

Hay and corn.....\$115 00

When your Committee looked over the foregoing statement furnished by Warden, James H. Happy, which he claims to be proper inventory for which he should receive credit upon his immense expenditure of money for fiscal year ending November 30, 1897, namely \$60,877.72, see his printed report, page 24, many questions suggested themselves to your Committee and the following letters were written and mailed to the warden:

Frankfort, Ky., March 7, 1898.

Mr. J. H. Happy,

Warden Eddyville Penitentiary.

Dear Sir: Your letter of March 4th, together with inclosed inventories received. In your annual report for fiscal year ending November 30, 1897, page 24, you give yourself credit per inventory \$18,667.75, in answer to my letter you send statement fixed improvements.

In this statement you showed, date December 31, 1896, George Catlett, lumber \$26.50, January 9, W. J. Ray, lumber \$16.97, January 18, Elmo Machen, lumber \$18.02, January 29, Suwanee

Spoke & Lumber Co., lumber \$16.70, February 10, Tinsley Bros., lumber \$549.00, February 28, Tinsley Bros., lumber \$24.00, April 29, W. F. Dunn, lumber, \$18.20, April 26, W. J. Ray, lumber \$14.50, May 14, Charles Easley, lumber \$16.20, June 5 and 14, Chas. Easley, lumber \$16.00, June 7, M. F. Daum, lumber \$7.92, August 19, Clements Bros., lumber \$112.43, August 31, Charles Easley, lumber \$119.18, August 21, Enoch Harrold, lumber \$4.00, September 30, Mr. Moneymaker, lumber \$8.80, November 30, C. A. Easley, lumber \$44.29, October 13 and November 1, Langstaff-Orm Mfg. Co., lumber \$43.28. How much lumber was on hand November 30, 1897? Please mention for what purpose each of the above bills of lumber were used. Please make separate statement for each lot.

You say: December 4, Johnson Foundry & Machine Company for plumbing material \$38.47, same under date of December 5th, \$62.72, same December 10th, \$34.95, what are the items for the above bill together with separate prices, and what work was done with the material?

Under date of August you say: Ahrens & Ott Manufacturing Company, hose \$298.75, September 21, Ahrens & Ott Manufacturing Company, hardware \$72.25. Please send itemized statements for these two lots of goods, where they were used and what portion was on hand November 30, 1897.

On December 14 you say: Johnson Foundry & Machine Company, two boilers and fixtures, \$1,022.30, December 18th, same firm smokestack \$31.00, January 16, same firm, boiler \$61.50, January 14, same firm, pump supplies \$79.95, May, 6 same firm, hardware \$6.75. Please give the items minutely for the item mentioned December 14, in the above list, as two boilers and fixtures \$1,022.30; also please make statement where the balance of the goods were used and what part were on hand November 30, 1897.

You say January 31, T. W. Tinsley, sand \$4.40, January 15, W. H. Warfield, paving brick \$24.00, January 15, Ed. Harris, laying brick \$55.00, December 30, I. Nauheim, cement and fire clay \$20.15, January 28, Granger & Co., cement \$7.02, January 12, Charles Robinson, laying brick \$8.75, March 31, W. H. Warfield, laying brick \$10.50, November 27, I. Nauheim, cement \$7.50, November —



Neat Richardson & Co., paint \$81.71, November 18, paint \$85.00, please make statement as to where the above material and labor was used about the prison, giving statement for each item.

In the statement of fixed improvements, under the heading of March, 1897, you say March and February, W. J. Ray, lumber and hardware \$801.62, please give items for this together with statement as to where material was used.

Please give itemized statement of lumber purchased by you as warden during the months of October and November, 1896, together with statement as to where and for what purpose the lumber was used. This lumber account wanted is for the months of October and November of fiscal year beginning December 1, 1895, and ending November 30, 1896.

December 7, 1896, you say: H. C. Cothran, roofing \$55.80, December 18, H. C. Cothran, roofing and guttering \$47.70, January 21, 1897, H. C. Cothran, roofing \$35.80, March 1, H. C. Cothran, roofing \$52.10, April 20, H. C. Cothran, roofing \$12.45, May 31, H. C. Cothran, roofing \$32.00, June 18 and 30, H. C. Cothran, ventilators for cell houses \$133.25, October 19, H. C. Cothran, tinware \$5.25, October 30, H. C. Cothran, roofing \$10.25. Please send items for these bills, together with statement mentioning which buildings each of the several bills were put upon.

You say February 20, Scott Hardware Co., roofing \$80.00, January 14, Scott Hardware Co., roofing and siding \$292.80. Please give items and where the material was used.

You mention J. M. Burgher as superintendent of stone quarry for the following dates and amounts, January 31 \$51.00, February 28, \$69.00, March 31, \$75.00, April 30, \$42.00. Please give number of days Mr. Burgher worked for each of the above items; also send a copy of letter from commissioners authorizing you to make this expenditure; also please give statement of tools and supplies, specially bought for this stone quarry; number of days guard time consumed at the quarry. Number of days time the quarry was worked in each month. How many convicts were worked each day, and total number of days worked by all convicts in the quarry? How many convicts were killed at this quarry? How many escaped? Cost for rewards and advertising notices, telegrams, etc? What

amount was paid for privilege of quarry? What became of the stone quarried, and did you have any quarrying done by some other one than Mr. Burgher; if so, give statement of expense, number of days convict time, and for what purpose was the stone quarried, and what amount was paid for this last privilege of quarrying?

You say: March 16, 1897, T. A. Phelps, mules \$40.00, August—, Kentucky Wagon Works, two wagons \$76.50. How many mules did you buy for the \$40.00, and were these two wagons you bought from the Kentucky Wagon Works new ones? Please give statement and items for any mules, harness and wagons, together with condition of same that were purchased during the fiscal year that commenced December 1, 1895, and ended November 30, 1896; if any purchases were made what has become of them?

On August 9, you say Granger & Co., boiler \$280.00. Where was this boiler used, and for what purpose?

On August 18, you say W. H. Long, stone \$50.00. Please explain this item.

On August 5, you say Peaslee, Gaulbert & Co., varnish \$8.25, on August 2, Hill & McNeill, floor dressing \$15.00. Please give number of gallons of each and where used.

You say January 7, Clinton & Dycus Hardware Co., hardware \$6.85, on February 17, J. W. Ray, lumber and hardware \$191.32. how much of this last item was lumber and how much hardware? April 7, U. M. Boyd, hardware \$1.60, July 24, W. S. Cash, hardware \$8.25, July and August U. M. Boyd, \$2.55, October 29, Ray & Whittington, hardware \$3.60, October 6, Scott Hardware Co., \$8.20, October 28, Scott Hardware Co., \$15.00, November 12, George O. Hart & Son, hardware \$82.87, W. B. Belknap, under the following dates and for the following amounts January 21, \$347.94, February 28, \$78.85, March 8, \$42.74, April 24, \$120.56. May 4, \$56.35. June 8, \$26.42, July 17, \$18.08, July 20, \$16.00, July 28, \$27.73. August 4, 7, 21, \$42.51, September 18, 90c, October 7, 22, 25 and 27. \$65.24, November 8, \$17.78. Please make statement showing what part of the above bills were on hand November 30, 1897, and show where that part which was used, was distributed about the different buildings, etc., giving amount used on each building separate.

You say January 19, W. A. Gunther & Son tools \$48.60, please give items.

You have December 14, I. Nauheim, stoves \$18.80, October 5, 1, Nauhem, lime, \$17.99, please give items, also the residence of Mr. Nauheim together with other kinds of goods he has furnished you with from time to time. What is Mr. Nauheim's business?

And has he furnished the prison with flour and other provisions? Give item and dates for provisions he has furnished the prison for the fiscal year ending November 30, 1897.

You say April 3, Phillips & Butorffs Manufacturing Co., cuspidors \$31.90, give items and residence of the company.

You have March and April H. C. Cobb, wall paper \$32.94, March 21, J. W. Gleaves & Son, wall paper \$12.45, give items and where used.

December 29, you have Ed. Beatty, prison buckets \$30.00. Give number and description.

December 8, Bridgeford & Co. \$37.45 for stoves, October 15, Bridgeford & Co., pipe \$5.77. Please give items and where used.

October 30 and November 10, P. Bannon, fire-proof tiling \$105.60. Please give items and where used.

January 14, G. M. Champion, two sewing machines \$70.00. Where used. Give statement sewing machines purchased in former fiscal year, if any.

January 4, W. J. Harris, architectural examination \$35.50. Where was this examination made?

December 31, S. P. Graham, window glass \$19.75. Please state where used.

January 26, Granger & Co., stand pipe \$1,191.97. Please explain this item.

February 20, fire brick, etc. \$115.33. Please make statement where this item was used.

February 5, Bradley, Gilbert & Co., books \$34.60. What books and where used?

May 31, freight \$164.66. Please make statement freight bills composing this amount, giving dates, railroad or boat, number of cars, kind of goods, and amounts of each bill.

May 18, Mack Wocker & Son, surgical instruments \$22.05. Give items. Also same firm June 12, surgical supplies \$3.96.

September 31, George Fletcher, superintendent building \$78.00, same November 30, \$72.00. Please give statement as to what build-

ing. How many days time and copy of letter from commissioners authorizing these two expenditures.

Please furnish the herein requested information as quickly as possible. If you do not get it all made out in one day send what you have made up each mail, getting the whole amount of information to me as soon as possible. Your suggestion in your letter in regard to getting items from Auditor's office can not be complied with. You are the warden of the Eddyville Penitentiary; the report is yours and not the Auditor's.

Most respectfully,

[Signed]

SOUTH TRIMBLE,  
Chairman Prison Committee.

Frankfort Ky., March 7, 1898.

Mr. J. H. Happy,

Warden Eddyville Penitentiary.

Dear Sir: Am I to understand that the inventory of dry goods and clothing which include sundry hardware items, inventory of provisions, inventory of fuel, inventory of provender for stock inclosed in your letter to me under date of March 4, 1898, is an inventory of goods that you had on hand at the end of your last fiscal year ending November 30, 1897, as set out in your annual report, page 24 exhibit number 14?

Most respectfully,

[Signed]

SOUTH TRIMBLE,  
Chairman Prison Committee.

Frankfort, Ky., March 8, 1898.

Mr. J. H. Happy,

Warden Eddyville Penitentiary.

Dear Sir: In your statement of inventory of dry goods and clothing which accompanied your letter of March 4, there is an item, one lot of stationery \$43.18. Please give items minutely for this material. Was this purchased by you direct from dealer or did it come through public printer?

Was it ever charged through accounts approved by you? Please show in what month you reported same, as having been included in the expense account of the Eddyville prison.

You also show 67 dozen cotton hose, \$40.20, 90 dozen wool hose, \$188. This inventory indicates that you had both lots of hose on hand November 30, 1897. Please explain how you come to have such quantity of new hose on hand at one time; please send statement of new hose on hand at this date; also statement of purchases of hose since November 30, 1897, together with pairs of hose given to prisoners from November 30, 1897, up to this date.

You also state in inventory of provisions that you had on hand November 30, 1897, 51 boxes of soap, \$127.50. Please state how many boxes you have on hand at this date, together with number of boxes you have purchased since November 30, 1897, also state full number of boxes purchased by you and used since June 18, 1896, up to November 30, 1897, also state number of boxes of soap used by you from November 30, 1897, up to this date. You also mention 1,559 pounds of coffee, \$163.69, as being on hand November 30, 1897. Please state how you come to have such a large quantity of coffee at one time. Please state how many pounds of coffee you have on hand at this date, how many pounds you have purchased since November 30, 1897, and how many pounds used from November 30 up to this date. Please furnish statement how many pounds of coffee you purchased from June 18, 1896, up to November 30, 1897, together with statement of pounds of coffee used during same period, namely, June 18, 1896, up to November 30, 1897.

You state 1,163 pounds sugar on hand November 30, 1897, \$62.48, please make statement precisely the same as requested on coffee.

You state 19 barrels of salt \$16.15, please make statement in regard to salt as requested on coffee.

You mention in clothing inventory one lot of piping \$50.00,

please send number of feet and sizes of pipe on hand November 30, 1897, that was included in this item.

You state in provisions inventory 7,995 pounds bellies, \$549.65, 8,015 pounds side meat, \$494.00, nine barrels pig's feet, \$99.00, four barrels tripe \$40.00, 50 boxes of ham 100 pounds per box, \$375.00; did you weigh the loose meat in above mentioned items on November 30, 1897, and where all the above mentioned articles on hand at that date as your inventory indicates?

You mention in inventory of dry goods and clothing 50 bolts of stripes, 2,550 yards at 40 cents, \$1,020.00, please give kind of stripes, when purchased and from whom.

You mention 483 pairs of shoes \$483.00, please state pairs of shoes purchased since November 30, 1897, state pairs of shoes on hand this date, state pairs of shoes given to prisoners since November 30, 1897, state number of shoes purchased by you from June 18, 1896, up to November 30, 1897, also state how many pairs of shoes purchased from a concern who manufacture their shoes with convict labor in the Jeffersonville, Ind., penitentiary, giving name of the firm, from June 18, 1896, up to this date, state how many pairs of shoes given to prisoners from June 18, 1896, up to November 30, 1897.

Please furnish the herein requested information in addition to the request made for information under date of March 7, 1898, and let us have returns as quickly as possible, not later than March 12, 1898.

Most respectfully,

[Signed]

SOUTH TRIMBLE,

Chairman Prison Committee.

The following letters were written and mailed to the "acting" clerk of the Eddyville Penitentiary, John M. Tinsley.

Frankfort, Ky., March 7, 1898.

Mr. John M. Tinsley.

"Acting" Clerk Eddyville Penitentiary.

Dear Sir: I am in receipt of letter from Warden J. H. Happy, dated March 4th, with which was inclosed typewritten statements of fixed improvements, inventory dry goods and clothing, also inventories fuel, and stock provender.

In his letter the warden states:

"I find the clerk included in this account (fixed improvements) about \$200 worth of hardware which should have been charged to general expense account, also about \$150 worth of provisions. He also put \$164.66 worth of freight in this account, these errors would add slightly to the general expense account. There are \$421.64 worth of provisions on hand more than he reports, which he should have taken from general expense account."

Please send explanations as to how you came to make the above mentioned errors, also please send items for the \$421.64 worth of provisions which you had more than you reported. In giving these items please give specific quantities and prices for each item.

Please state how it came that lanterns, globes, tacks, locks, whitewash brushes, files, glass gauges, sand paper, etc., came to be put in the inventory of dry goods and clothing. Please send items for the lot of piping valued at \$50.00, and mentioned in the inventory of dry goods and clothing.

Please send number of suits discharge clothes on hand this date, number purchased since November 30, 1897, together with suits furnished discharged prisoners from November 30, 1897, to this date, also pairs of shoes on hand, pairs of shoes purchased since November 30, 1897, together with pairs of shoes furnished convicts and discharged prisoners from November 30, 1897 up to this date.

Please send number of dozen of caps on hand this date,

number purchased since November 30, 1897, together with number furnished convicts and discharged prisoners from November 30, 1897, up to this date.

If your inventory of dry goods and clothing you give one lot of shirting stripes at \$306.63, please send number of yards for the item together with different grades, if there be any different kinds, together with price for each.

In inventory of provisions you mention one lot of dried peaches \$65.81, one lot of Irish potatoes \$121.00, please send number of pounds of these items. Inventory of fuel you show four car loads of coal \$36.00, what grade of coal was this? Give the net amount you paid for coal also the freights you paid on the same. Inventory of provender for stock, you say hay and corn \$115.00, please give items for this, how much hay and how much corn. Are the inventories sent for goods on hand November 30, 1897? Did you make the inventory or do you know that all the goods mentioned in your itemized statements of fixed improvements, inventory of dry goods and clothing, inventory of provisions, fuel, provender for stock, were on hand November 30, 1897, as shown by your statement, exhibit number 14, page 24 of annual report Kentucky Branch Penitentiary (at Eddyville), dated November 30, 1897.

Are the items mentioned in the statements and inventories which came to hand with the warden's letter the same that you used to make table, exhibit number 14 page 24 annual report dated November 30, 1897, in other words, are these the goods that were on hand in the Eddyville Penitentiary belonging to the State November 30, 1897?

Please send the aboved requested information and statements by return mail and greatly oblige.

(Signed]

SOUTH TRIMBLE,  
Chairman Prison Committee.

From the correspondence between chairman Prison Committee and warden of the Eddyville penitentiary, which is



shown in this report, it will be readily seen that the warden, Mr. J. H. Happy, in his annual printed report for fiscal year ending November 30, 1897, page 24, claimed a credit of \$13,667.75, for an inventory of fixed expenditures, provisions, dry goods, clothing, fuel and provender for which his report showed no items. When items were requested for this inventory the schedule or statement heretofore given in this report was furnished us by the warden. It is not at all satisfactory and no man with any capacity whatever for business could be guilty of trying to claim an inventory as shown in his report as of November 30, 1897, and then proceed as he has done when called upon for the items of that inventory to first say that no such accounts were kept as designated by the classifications and headings in his printed report and then to attempt to make an inventory to order, by referring to purchases made on given dates and from designated persons and firms as is shown to be the case in his effort.

Your Committee on looking over the various items Warden Happy has given us find that some 28 or 29 hundred dollars were expended at the Eddyville prison during the last fiscal year for the two items of lumber and hardware. The State is engaged in no manufacturing business on its own account where such supplies could possibly have been used in the manufacture of any articles whatever to be sold or that ought to have been sold, and your Committee in passing through the institution on two different days discovered no place or improvement except a wooden fence about 150 feet in length (which should have been of stone) in front of the prison property and one iron covered shed used as a temporary work shop. In addition to the hardware and lumber mentioned above we find itemized in Mr. Happy's statement of inventory under date of January 14, 1897, Scott Hardware Co., roofing and siding \$292.80, and February 20, 1897, Scott Hardware Co., roofing, \$60.00, in addition to this it will be seen all through Mr. Happy's statements that one H. C. Cothran is

quoted as furnishing some seven or eight different bills of roofing and guttering, etc., amounting to nearly \$400.

There is also an item of window glass in the list amounting to \$19.75. Your Committee found in the prison yard a small glass house for flowers, near which was an open steam pipe pouring forth live steam in large quantities indicating a considerable waste.

The questions asked as shown by correspondence were to bring forth from the warden information as to what he had done with the quantities of materials he shows himself to have purchased. The Governor in his message to this Legislature on page 12, in speaking of the Eddyville penitentiary, says: "In march, 1897, a temporary workshop costing some nine hundred dollars was erected."

What has become of the balance of the long list of lumber, hardware, plumbing materials, roofing, siding, etc., that is shown to have been purchased is a question that will have to be left to the answers of the warden not yet received.

In his inventory of dry goods and clothing the warden shows himself to have had on hand November 30, 1897, 131 suits of clothes supposed to be citizen's clothes to be given to discharged prisoners. 483 pairs of shoes, 2,550 yards of stripe goods at 40c. per yard (a pretty good price); then he shows that he has 14 dozen caps, and right after that 10 dozen caps, but to make up the amount of \$3,251.31, shown in his printed report under heading of dry goods and clothing in the inventory for which he claims credit, he puts in items of lanterns, lantern globes, tacks, knives and forks, files, sand paper, one lot of piping and two dozen whitewash brushes. Queer things to make up a clothing inventory of, but it may be that the warden had in mind the whitewashing that he and his management received in February, 1897, at the hands of the three commissioners, Attorney-General W. S. Taylor, Auditor of Public Accounts, Samuel H. Stone and Secretary of State, Charles W. Finley.

In his letters the warden blames many errors and mistakes on the "acting" clerk, John M. Tinsley, and among other things Mr. Happy claims that he is entitled to a credit of \$421.64 worth of provisions on hand more than the clerk reported. The question would naturally suggest itself to every reasonable mind why did not Mr. Happy send along his items with his other statements for this \$421.64, which he so glibly claims credit for and at the same time blames the error upon the "acting" clerk, John M. Tinsley. A letter as heretofore shown in this report has been written to Mr. Tinsley and an answer together with his explanations are patiently awaited.

In his inventory of provisions Mr. Happy shows himself to have had 51 boxes of soap worth \$127.50; queer item to put in with provisions and the questions asked Mr. Happy in letter sent to him will in all probability bring forth some queer answers. His answers about sugar, coffee, meats, etc., are also awaited.

It will be seen that when your Committee asked for the items for the \$115.60 shown in his inventory under heading of provender for stock that we received an answer, "hay and corn \$115.00." 'Tis a noble mind, a massive brain, and a wonderful thought that brought forth this information that Mr. Happy has furnished us, but your Committee would much rather that the warden had told us how many pounds of hay and corn he had on hand November 30, 1897, upon which he could claim this credit, as an inventory against his enormous expenditures.

Many other discrepancies will be shown all through this claimed statement of inventory too numerous to mention here, going to show that the business of the Eddyville penitentiary is conducted in a loose, unsafe and mismanaged way which is in keeping with the general surroundings and unkept appearance of the entire institution.

And we heartily endorse the statements of State Inspector L. W. Lester, in his report on the Eddyville prison made to

Governor William O. Bradley under date of February 8, 1897, and also the report of the Legislative Investigation Committee that visited this prison in May, 1897, and made report to the Legislature.

Both Judge Lester and the Legislative Committee severely criticised Warden J. H. Happy and his management. A recommendation was also made that he be removed and the Sinking Fund Commissioners acting as prison directors deserves the severest condemnation for not acting upon the suggestions of Inspector Lester and the Legislative Committee, and putting in force the recommendations suggested.

If the present condition of things at the Eddyville prison is any improvement on what it was when the above mentioned investigations were made, then the language used in the two reports were not near severe enough to express the conditions.

Governor William O. Bradley, in his printed message to this Legislature, on page 12, says: "The last General Assembly having failed to make any appropriation, the directors were left with a large number of idle convicts on hand at Eddyville, and no shops in which to employ them. Nevertheless, the directors advertised for the labor not less than 150 nor more than 300 convicts, when the Leonard Taylor Company made a bid of 35 cents per head for the convicts per day, to be used in the manufacturing of clothing. Being unable to work these men without shops, the directors persuaded the Leonard Taylor Company, on June 11, 1897, to agree that they would advance the money necessary to erect the shop, charging 6 per cent. interest on same, and take in payment the labor of the convicts. After this contract was completed, the directors advertised for the erection of the workshop, and the contract was awarded to F. W. Katterjohn & Son, at \$23,000, they agreeing to employ such convicts as were qualified in constructing the building at \$1 per day each, in part payment. The building should have been completed by the first day of December, 1897, but owing to unavoidable delay, as claimed

by the contractors, is not yet completed, they, however, forfeiting \$25 for each day of delay."

Your Committee would most respectfully call attention to the Kentucky Statutes 3797, page 1232, acts 1880, which says:

"The warden may, with the approval of the Commissioners, make such alterations and repairs in the workshops, and such repairs in the machinery, as may be necessary; but this provision shall not be construed to authorize the erection of any new building."

Also see section 2837, page 1242, act July 1, 1893: "The Commissioners of the Sinking Fund may purchase such material as may be necessary, upon the best terms attainable, for the construction of cells, chapel, workshops and such other work as may be necessary, and employ the prisoners not then leased in the performance of such work. The expenses thus incurred shall be paid out of appropriations heretofore made for such purposes. The Commissioners are further directed, if necessary, to employ a competent contractor or builder to supervise the construction of said work, and he shall be paid a reasonable compensation for his services under contract, out of any money heretofore appropriated for the purpose of building and making repairs at said penitentiary."

This power was given to the Commissioners for making the expenditures appropriated for the buildings at Frankfort penitentiary, specially mentioned in the same act (July 1, 1893) and they had no power given them to continue to put up buildings in the penitentiaries of the Commonwealth without first having the Legislature to make appropriations therefor.

The Governor says in his message: "The last General Assembly having failed to make an appropriation," and again, "The directors persuaded the Leonard Taylor Co., on June 11, 1897, to agree that they would advance the money necessary to erect the shop, charging six per cent. interest on the same."

There is no authority (known to your Committee) invested

in the Board Sinking Fund Commissioners, of Prison Directors giving them the authority to persuade people to saddle a debt upon the State with or without interest.

But if section 3827, act, July 3, 1893, should be construed to give authority for the erection of penitentiary buildings in face of the refusal of the Legislature to make appropriations therefor then the Commissioners have still gone beyond their authority, because they have according to the Governor's message contracted with the firm of F. W. Katterjohn & Sons, to erect this building at a cost of \$23,000, and Warden Happy shows in his statement of fixed improvements given in this report that he paid to one George Fletcher in October, 1897, \$78.00, and in November, \$72.00, for acting as superintendent of building. The act of July 1, 1893, says: "The commissioners are further directed, if necessary, to employ a competent contractor or builder to supervise the construction of said work, and he shall be paid a reasonable compensation for his services under contract," this cannot certainly be properly construed to give the commissioners authority to contract with Katterjohn & Sons, and in addition to employ Fletcher to superintend the building.

Your Committee has no information as to whether or not this superintendent continued in employment after November but your Committee does know that this new shop building was not fully completed when they visited it on February 21 and 22, 1898.

And your Committee knows of no authority given by the the acts of the Legislature to prison wardens, or commissioners to pay this expert builder or supervisor of construction out of the State funds as Warden Happy shows himself to have done in the case of Mr. George Fletcher, superintendent of building in October and November, 1897.

The Governor's message page 13, says, "The building should have been completed by the first day of December, 1897. but owing to unavoidable delay, as claimed by contractors, is

not yet completed, they, however, forfeiting \$25.00 for each day of delay."

The following lists and statements were furnished your Committee by Warden Happy, showing charges against the State for interest on this contract account, but nothing is shown to be deducted on this \$25.00, per day agreement for delay in the completion of the building from December 1, 1897, up to the time that it shall have been completed. These lists and statements furnished by the warden asks for appropriation for the building in full amount of the contract, also asks for appropriations for various other items amounting in all to \$29,432.00. The warden confessed to your Committee that some of these items had already been paid for and charged up in the expense account. We cite the item of salary of superintendent of construction of new shops, \$500.00, and the items heretofore spoken of in October and November, showing that George Fletcher had received \$78 in October, and \$72 in November, for superintendent of buildings; your Committee has no statement before it showing what Mr. Happy paid for superintending of new buildings in months of December, January and February, 1898, but at the ratio shown by October and November, the amount due for superintending of new building could not possibly be as much as \$500 for the superintending of this new shop.

He asks for appropriation of \$50 for freight on sundry materials, he asks for the erection of a morgue at an expense of \$500. In the opinion of your Committee a morgue of sufficient size and respectable appearance under the management of a practical warden could be made in the hill side within the walls at an expense not to exceed \$20, using convict labor and material seen to be on the ground when the Committee was there.

Many other items for which appropriation was asked for by Mr. Happy have the appearance of the ones we have cited.

One of these lists gives Leonard Taylor Co., credit "amount

of interest due on advances to February, 4, 1898, \$84.25," and then the account of the Leonard Taylor Co., is charged with a hire of the convicts from May 1, 1897, to January 31, 1898, but the Leonard Taylor Co., is not charged with any interest for the money due from them which is shown by the annual report to have been \$315 in May, \$682.50 in June, \$723.45 in July, \$685.12 in August, \$819.35 in September, \$858.90 in October, \$905.45 in November, in addition to this there is the convict hire of Katterjohn & Sons, and of the Monarch Broom Co., for considerable sums that the State should have interest on if the State is to be charged with interest by the parties who owe the State. Thus it is shown the State pays interest on what it receives and gets no interest upon what it gives.

FIRST LIST OF APPROPRIATIONS ASKED FOR THE EDDYVILLE  
PENITENTIARY BY WARDEN JAMES H. HAPPY.

OFFICE KENTUCKY BRANCH PENITENTIARY.

Building by contract.....	\$23,000 00
Repairing stone arch and building man-hole.....	91 00
Roof paint.....	50 00
Lumber for trestle work and platforms.....	100 00
Sewer pipes, traps and flue lining.....	140 00
Cement, brick and sand for engine bed sundries.....	250 00
Lumber and iron for repairing pants factory and workshop.....	100 00
Engine by contract.....	1,400 00
Elevator.....	346 00
Boilers.....	450 00
Fan heating.....	1,700 00
Pipes, etc., for water supply.....	95 00
Iron shutters.....	160 00
Freight on sundry materials.....	50 00



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Salary for superintendent of construction of new shops.....	500 00
Retaining wall for shop building.....	500 00
Pasteur filter .....	.....
<hr/>	
Total amount.....	\$29,432 00

This is an estimate of what I think it will take to put the prison in a very fair condition. I have no idea what the filter will cost, and therefore leave that item blank. This will have to be added to the above when the proper amount is ascertained.

[Signed]

J. H. HAPPY,  
Warden.

SECOND LIST OF APPROPRIATION ASKED FOR THE EDDYVILLE  
PENITENTIARY BY WARDEN JAMES H. HAPPY.

OFFICE KENTUCKY BRANCH PENITENTIARY.

Eddyville, Ky., February 4, 1898.

In a settlement made with the Leonard Taylor Manufacturing Company, for the erection of the shops at the branch penitentiary, it was found that they had paid the contractors the following sums:

F. W. Katterjohn & Son.....	\$20,494 48
Net amount of interest on advances to date.....	84 25
<hr/>	
Total amount paid.....	\$20,578 73
Less hire of convicts from May 1, 1897, to January 1, 1898.....	6,816 77
<hr/>	
Balance due the Leonard Taylor Company.....	\$13,761 96

Upon the above sum of \$13,761.96, interest at the rate of 6 per cent. per annum will be paid from February 4, 1898,

subject to credits monthly for labor of convicts employed in said branch penitentiary.

By comparing the amounts on the two foregoing appropriation lists asked for, it will be seen that the second list of appropriations is, in amount, less than half of the first list, thus creating in the minds of your Committee that these appropriations are like unto the general appearance of the entire prison property, the warden and his management, namely: A very much tangled and unbusiness-like condition. Your Committee would therefore recommend that no appropriations whatever (exceeding the lesser amount) be made by this Legislature for the Eddyville penitentiary, and that the whole matter be referred to the new Board of Prison Commissioners, which in your wisdom and good judgment you have seen fit to put in charge of the penal institutions of the Commonwealth. You have given this commission power to investigate and adjust all contracts heretofore made by the former commissioners, and in the opinion of your Committee, it is but proper that the new Commissioners should investigate and adjust contracts and appropriations of the Eddyville Penitentiary.

In one of the appropriation lists mentioned above, it will be noticed that \$91 is asked for for the repairing of stone arch and building of a man-hole. This work had already been completed when your Committee was at Eddyville in February.

Fifty dollars for roof paint is asked for. It seems to the Committee that a contract for a new building reasonably includes a painting of the roof.

One hundred dollars is asked for for trestle work and platforms. From the long list of bills of lumber heretofore spoken of in this report, it seems to your Committee that too much lumber has already been purchased for which no proper account has been rendered in the prison reports.

One hundred and forty dollars is asked for for sewer pipes.

traps and flue lining. This also seems to be part of the new building already constructed and shown to have been built under a contract for \$23,000. Then again \$250 is asked for cement, brick and sand for engine bed, sundries.

It seems to be a considerable amount for such purposes, and that the engine must require a pretty good bed and a considerable number of sundries.

Then again \$100 is asked for lumber and iron for repairing pants factory and workshops. The \$900 shop spoken of by the Governor as having been erected in March, 1897, at a cost of about \$900 must be a pretty shoddy affair if in less than one year it requires this appropriation for repairs.

Four hundred and fifty dollars is asked for for boilers. In looking over the warden's statement giving items for fixed improvements in fiscal year ending November 30, 1897, we find that three new boilers were purchased during that year at an expense of some \$1,200 or \$1,500 in addition to the cost of placing in position.

Seventeen hundred dollars is asked for fan heating. When the Committee was upon the grounds it was explained to them that this apparatus to be purchased is second-handed. Your Committee is not practical on the subject of fan heating, but we notice in looking over the different items given in the first part of this report that a great many second-handed things have been purchased about this prison.

Ninety-five dollars is asked for for pipes, etc., for water supply. Would it not be well for Warden Happy to take the \$50 worth of piping which he shows to have on hand in his inventory of dry goods and clothing and use it for this purpose?

The warden asks for \$160, for iron shutters; ought these not to have been furnished in the \$23,000 contract?

Five hundred dollars is asked for a retaining wall for shop building, your Committee examined the place where it is proposed to build this wall. There is already a stone wall there, which can be taken down by the convicts now idling

about, the bank of earth graded back to an angle of about 40 degrees, and this wall replaced in a manner by convicts that will make a substantial and lasting job of work, without the expenditure of one penny. This embankment could also be graded back little more than mentioned above, and grass planted upon same, and no wall whatever will be needed, and the stone material now in the wall already there can be used for other purposes about the prison for which appropriations have been asked for, and thus save more money to the State Treasury.

A blank appropriation will be seen to be asked for to put in a Pasteur filter. It is the opinion of the Committee that no filter is needed at this prison except such as can be built by convict labor, composed of a system of cisterns that any practical warden could construct and put into operation without calling upon the treasury except cost of cement to make the walls of the cisterns water-tight.

Your Committee would again suggest that all these matters be left to the wisdom and judgment of the new Prison Commissioners.

The following letter was written and mailed March 7, 1898:

Frankfort, Ky., March 7, 1898.

Rev. D. F. Kerr,

Chaplain Penitentiary,

Eddyville, Ky.

Dear Sir: In annual report for the Eddyville penitentiary (dated November 30, 1897, page 30 and 31) is what is said to be the chaplain's report, which is not signed by you.

For information of Legislative Committee please let me know by return mail why your signature does not appear to this report, as it does to your report in the preceding annual report of the said penitentiary, (dated December 1, 1896, page 19 and 20).

On page 30 of the annual report dated November 30, 1897, the following language is used:

"Since my last report, religious services have been held in the chapel every Sabbath. A few Sabbaths during the year I was absent; on such occasions arrangements were made with some other minister to hold services in my stead."

How many Sabbath days were you absent during the fiscal year from December 1, 1896, to November 30, 1897?

Who acted in your stead and what part of your wages did they receive?

On what pay rolls or report does their signature or claim appear?

How many week-days were you absent from the prison during the same fiscal year?

How many hours each week-day do you spend with the prisoners and on Sundays how many hours?

What kind of business was you on, when away?

Give each absence separately and dates of same?

Did you make any trips to Frankfort? Please give particulars as to nature of your business, date of trips, and at whose expense were the trips made?

Did you sell any tobacco, medicines, linaments, cough mixtures or anything of that nature to the prisoners?

Did you advance or loan any money to prisoners and did you receive any interest or other compensation therefor?

Please give the above requested information by return mail and greatly oblige.

[Signed]

SOUTH TRIMBLE,  
Chairman Prison Committee.

#### DUTIES OF CHAPLAIN.

See Statutes, section 3804, act of 1884. "It shall be the duty of the chaplain to hold himself in readiness to teach such

convalescents or others, whose tasks being performed within less than the required hours of labor, might wish to avail themselves of his assistance, either for spiritual instructions or to try to acquire an elementary education. And the chaplain shall be required to devote his entire time—work-days as well as Sundays—to the performance of the duties.”

In section 3803 the chaplain's duties are further described to be as follows:

“The Commissioners shall appoint a chaplain for each penitentiary, whose duty it shall be to preach to the convicts every Sunday, to furnish them proper religious instructions, to visit those who are sick or despondent and to use his best exertions to promote the religious and moral welfare of the prisoners, as well as the harmony and general interest of the penitentiary.”

Your Committee is of the opinion that the idle convicts found loafing in the chapel and another lot in the dining-room that the chaplain could with proper display of energy on his part keep daily school in the chapel and furnish the rudiments of a common education to at least the younger convicts and as many of the older ones as can be made to avail themselves of the opportunity. Of the two crowds of idle convicts seen in the chapel and dining-room by your Committee there is certainly no excuse for the chaplain for this plain neglect of his lawful duty. Because the loafing convicts that was not wanted in the school could be put in the dining-room to keep them out of the winter weather and those who were to take advantage of the school privilege could enjoy the opportunity in the chapel and the chaplain's house of worship within those walls would not be in condition in which the Committee found it. (See first part of this report).

The chaplain in his report for year ending December 1, 1896, states that he has the following books at his command: “School text books 192, Sunday School publications 126, song books 33, reference bibles 50, testaments 110, holy bibles 50,

song books 75, fiction, science and histories 385." With this number of books at his command and the provisions in the statutes made for the annual supply of books for the penitentiaries the chaplain can put forth no reasonable excuse for the condition of things that your Committee found.

On morning of March 12th the following letter was received from Warden J. H. Happy in answer to three letters sent to him on March 7th and 8th asking for information.

Eddyville, Ky., March 11, 1898.

Hon. South Trimble,

Chairman Prison Committee,

Frankfort, Ky.

Dear Sir: Having been called away by the Sinking Fund Commissioners I find on my return your two letters.

It is a physical impossibility to get up the facts wanted in your letter by March 12th. I find on my return my deputy very sick—confined to his bed—thus devolving the care of the entire prison on me, and giving me very little time to spare to look after your request.

My prison work is so much behind in my absence, and on account of my deputy's sickness I can not do anything before Monday, in compliance with your request.

If you desire me to get up what I can Monday and Tuesday I will do so; advise me.

Yours truly,

[Signed]

J. H. HAPPY,  
Warden.

The following letter was then addressed to the Warden of Eddyville Penitentiary and put on train of same date.

Frankfort, Ky., March 12, 1898.

Mr. J. H. Happy,  
Warden Eddyville Penitentiary.

Dear Sir: Your letter of the 11th, received. I sent you three letters, two of which were dated March 7th and which were put on the train that left here on the same date. I sent one letter on March 8, which left here on the train of that date.

As indicated by the receiving of your letter this morning dated yesterday, March 11, you received my two first letters on the 8th and the last one arrived at Eddyville on the 9th.

Was not the first two letters delivered to you before you left Eddyville to come to Frankfort? If you did not receive the two letters dated March 7, before you left Eddyville please deny it by telegraph as a sworn official. Why did you not comply with the request of one of my letters on March 7, which says:

"Am I to understand that the inventory of dry good and clothing which include sundry hardware items, inventory of provisions, inventory of fuel, inventory of provender for stock, inclosed in your letter to me under date of March 4, 1898, is an inventory of goods that you had on hand at the end of your last fiscal year ending November 30, 1897, as set out in your annual report, page 24, exhibit 14."

The answer to this, will be sufficient in either of two words "yes" or "no," and it is not a physical impossibility as you set out in your letter.

Please put answer in your telegram mentioned above.

Why did you not comply with the last clause of the other letter that I sent you on March 7, which is as follows:

"Please furnish the herein requested information as quickly as possible. If you do not get it all made out in one day, send what you have made up each mail, getting the whole amount of information to me as soon as possible.



"Your suggestion in your letter in regard to getting items from Auditor's office can not be complied with. You are the warden of the Eddyville penitentiary; the report is yours and not the Auditor's."

The last clause of my letter to you on March 8th says:

"Please furnish the herein requested information in addition to the request made for information under date of March 7, 1898, and let us have returns as quickly as possible, not later than March 12, 1898."

Your letter indicates that you have made no effort to comply with any of the requests made in my three letters addressed to you.

Why has not John M. Tinsley, "acting" clerk of the Eddyville penitentiary answered my letter to him under date of March 7th, which was put on the train of that date and arrived at Eddyville the next day?

His silence will be taken as a confession of guilt and incompetency on his part as to the charges you preferred against him in your letter of March 4, 1898.

Also please state why Chaplain D. F. Kerr, did not answer the questions propounded to him in my letter of March 7, 1898?

His silence will also be taken as a confession on his part.

Did you not have these two letters placed before you, before you came to Frankfort? and while you was in Frankfort did you not have consultation with Attorney-General Taylor, Auditor Stone, and Charles Finley, in regard to the information asked for in all my letters?

Your refusal to answer this question will be taken as a confession upon your part.

Please see the "acting" clerk, John M. Tinsley and Chaplain D. F. Kerr, and have them make statements as sworn officials denying (if they will) that they placed my letters (addressed to them) before you, before you come to Frankfort.

You say in your letter "If you desire me to get up what I can Monday and Tuesday, I will do so; advise me."

In answer to this I will again request that all the information requested of you in my letters March 7th and 8th, be sent to me as quickly as possible, sending each day what you get up, and continue this until all information requested is sent. I will still be glad to receive such information from you even after the Legislature has adjourned.

Your affairs as warden of the Eddyville Penitentiary must certainly be in a deplorable condition when information such as I have requested cannot be obtained on short notice. Your letter of delay of March 11th, seems to indicate that you cannot answer the questions to your advantage or that you are entirely unable to give the information desired.

If the information is not forthcoming it will be but fair to consider the above conclusions as being just.

Hoping to hear from you by letter Monday morning, and also by telegram where requested, as indicated in two places in this letter.

[Signed]

SOUTH TRIMBLE,  
Chairman Prison Committee.

By looking at copies of letters shown in this report, addressed to Acting Clerk John M. Tinsley and Chaplain D. F. Kerr (last clause of each) it will be seen that they were requested to send the required information and statements by return mail. Both of these letters were dated March 7, 1898, and mailed on that day. There seems no reasonable excuse for their silence if they could answer the questions therein contained with credit to themselves.

The Committee as can be seen by date at head of this report was ready to submit the same on March 5, 1898. The letter herein reproduced of date March 4, from Warden J. H. Happy, was received on the morning of March 5 together with the inventory statements herein reported.

The information therein contained being of such an unsatisfactory nature we endeavored to get the warden of this institution to express himself clearly and to show what disposition he has made of the immense amount of purchases made by him during past fiscal year. We have also tried to have the warden make itemized statement of goods and supplies on hand at the Eddyville prison at the end of past fiscal year (November 30, 1897,) but from the correspondence herein reproduced it will be seen that the warden of this institution knows but little or at least will tell but little of the affairs of the penitentiary under his charge.

Your Committee most respectfully submits the foregoing report in as few words as was possible to communicate same to your honorable body.

The vast amount of matter to be gone over and the limited time that we could spare from our other legislative duties compelled us to seek most of desired information by mail, as herein set forth.

If this investigation had been conducted by this Committee otherwise than by written communications the expense would have been enormous. but by methods pursued expenses have been comparatively insignificant.

Had the request of the Committee, asking information, been promptly and properly complied with we would have been enabled to make final report at an earlier date than this the fourteenth day of March, 1898.

The chairman of your Committee has received no letters or other information from Auditor of Public Accounts Sam. H. Stone, in answer to two letters sent to him under date of February 28th, and delivered to him March 1st, when he sent verbal message "Tell South Trimble that I will write him a letter."

This report was again held up to March 15th, the last day of this Legislature, in order that Mr. James H. Happy may

have ample time to answer questions put to him, furnishing desired information to this Committee.

SOUTH TRIMBLE, *Chairman.*

A. J. THOMPSON,

JAS. R. MALLORY,

BRUCE ADKINS,

CHAS. AARON NELSON.

ALBERT H. CHARLTON,

L. C. RAWLINGS,

T. W. CLARK,

JOS. H. HUMPHREYS,

JAS. H. LACKEY.

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REPORT LEGISLATIVE INVESTIGATION COMMITTEE.  
FRANKFORT PENITENTIARY.

Frankfort, Ky., March 15, 1898.

We, the undersigned legislative committee most respectfully submit the following report made by authority of House Joint Resolution No. 6:

"Resolved by the House of Representatives of Kentucky, the Senate concurring therein, that the Committee on the State Prisons and House of Reform of the House of Representatives, in conjunction with the Committee on Penitentiaries and House of Reform of the Senate, be authorized and empowered to investigate the management, conduct and condition of the penitentiary at Frankfort and the penitentiary at Eddyville, including the contracts concerning the same, made by the Board of Sinking Fund Commissioners, and the operations and effects of such contracts and all other matters concerning such penitentiaries.

"The committee is empowered to appoint such committees, to send for persons and papers, to summon, swear and examine witnesses and to employ such clerical assistance as may be necessary to their investigation.

"The committee will report the transcript of the testimony heard and their findings together with such recommendations as they may desire to make to the Houses respectively."

#### MAINTENANCE OF PRISONERS AT FRANKFORT PENITENTIARY.

It is the opinion of your Committee that the prisoners are well fed, properly clad, and that sanitary conditions are as good as could be expected from the crowded condition of the prison.

Warden Hancock, in his annual report for fiscal year from November 30, 1896, to December 1, 1897, page 31, table number 22, showing the cost of ordinary support of the convicts for the year to be as follows:

Cost of maintenance per year per convict.....	\$70.607
Cost of maintenance per month per man.....	5.884
Cost of maintenance per day per convict.....	.196

Warden Henry George in his annual report for fiscal year November 30, 1894 to December 1, 1895 (for this same prison), page 39, table number 23, showing the cost of ordinary support of convicts for the year to be as follows:

Cost of maintenance per year per convict....	\$54.89
Cost of maintenance per month per man.....	4.575
Cost of maintenance per per day per convict.....	.155

Thus it will be seen that the expenditures under this heading at this prison for the past fiscal year as shown in report was \$84,305.72, while the same average number of prisoners (1194) under the administration of Warden George for the fiscal year from November 30, 1894, to December 1, 1895, was \$65,538.66, or a saving to the State Treasury in favor of Warden George's administration, \$18,767.06.

In the above calculation the same number of prisoners (1194) was calculated for each management, but in reality Warden George only had an average of 1,125 prisoners. The following table gives bill of fare of prison under the two managements, giving quantities of each kind of provisions. The list under Warden George was fed to 1,125 prisoners while the list under Warden Hancock was divided among 1,194 prisoners.

Articles.	Warden George.	Warden Hancock.
Bacon, lbs.....	132,670	120,158
Flour, lbs.....	336,558	338,075
Beef, lbs.....	185,820	196,823
Meal, lbs.....	127,900	129,750
Coffee, lbs.....	18,449	18,458
Molasses, gals.....	9,864	8,851
Potatoes, bu.....	767	2,330
Sweet Potatoes, bu.....	23	13½
Beans, bu.....	227	473
Turnips, bu.....	275	132
Pepper, lbs.....	912	1,288
Corn, cans.....	919	864
Green Corn, doz.....	400	1,880
Tomatoes, cans.....	849	420
Rice, lbs.....	3,470	1,211
Onions, bu.....	108	132
Green Onions, doz.....	13,400	3,874
Hominy, bbls.....	10	13
Salt, bbls.....	78	115
Sugar, lbs.....	5,108	21,352
Brown sugar, lbs.....	2,266	.....
Vinegar, gals.....	499	188
Soda, lbs.....	230	350
Yeast, lbs.....	369	913
Dried Grapes, lbs.....	2,600	.....
Tea, lbs.....	199	129

Green Peas, lbs.....	71	.....
Cabbage, lbs.....	34,175	12,650
Turkeys, lbs.....	1,918	1,092
Oranges, boxes.....	8	.....
Baker's Pies.....	600	.....
Turnip Greens, lbs.....	4,280	.....
Shoulder Meat, lbs.....	2,250	.....
Radishes.....	1,200	.....
Jelly, pails.....	30	.....
Butter, lbs.....	1,580	7,100
Apple Butter.....		560
Green Tomatoes, bus.....	63	2
Green Apples, bus.....	148	162
Green Beans, bus.....	84	20
Spice, lbs.....	2	10
Cinnamon, lbs.....		9
Ginger, lbs.....	3	.....
Sausage, lbs.....	6,950	6,400
Prunes, lbs.....	1,160	1,616
Cider, gals.....	100	.....
Figs, lbs.....	20	1,717
Kraut, bbls.....		25
Pork, lbs.....		1,475
Mutton, lbs.....		6,096
Tripe, lbs.....		1,000
Cantaloupes.....	600	.....
Sage, lbs.....	3	.....
Buttermilk, gals.....	1,070	1,060
Sweet Milk, gals.....	2,146	3,331
Chickens.....	208	.....
Eggs, doz.....	210	.....
Mince Meat.....		787
Lard, lbs.....		2,796
Ribs and Ham, lbs.....		2,692
Pigs' Feet, bbls.....		57
Pickles, bbls.....		23

Dried Apples, lbs.....	5,354
Dried Peaches, lbs.....	555
Raisins. lbs.....	2,700
Barley, lbs.....	325
Starch, lbs.....	289
Watermelons, lbs.....	834
Pumpkins, lbs.....	116
Tapioca, lbs.....	44

In addition to the above, Major Hancock shows that he expended for kitchen extras \$34.32, and for hospital extras Major Hancock shows that he spent \$1,264.08.

What the items are, for these two amounts, the report does not show, but by turning to page 48 in the report of the physician and surgeon, we find that the number of bed patients treated was only 330. The report does not show who is allowed to consume these hospital extras for which so large a sum was expended. The physician's report shows that the cost of the medical and surgical supplies for the year \$1,073.00, with an average number of prisoners of 1,189, while Warden J. H. Happy of the Eddyville penitentiary shows in his report, page 24, that he expended \$743.39 for drugs, for the same fiscal year for which he started in with 478 prisoners and wound up with 476 prisoners.

This may somewhat account for the heavy death rate at the Eddyville penitentiary as compared with the death rate at Frankfort, for it is a well known old adage, said to have been originated by some learned physician of the old school:

"Sick of this world, would better off be  
If all drugs were at the bottom of the sea."

"But it would be hard on the fishes,  
And stop their being served as tempting dishes."

According to the two printed reports, the provisions as



shown in the two above lists, were fed by Warden George to 1,124 average number of convicts, while Major Hancock divided his list of provisions among 1,194 average number of prisoners, both lists show that prisoners were well fed. The amount expended by Warden George for each convict per day was 15½ cents while Warden Hancock expended 19 6-10 cents per day for each convict, or 4 1-10 cents per day more than Warden George. Which in the course of a year, taking the same number of prisoners for each administration, would amount to a saving in the neighborhood of \$18,000.

## EXPENDITURES AND RECEIPTS.

Upon request of your Committee, Auditor of Public Accounts Samuel H. Stone, furnished us with the following statement for fiscal year ending June 30, 1897.

RECEIPTS AND EXPENDITURES OF PENITENTIARY PROPER FOR  
FISCAL YEAR ENDING JUNE 30, 1897.

## EXPENDITURES.

1896.

July .....	\$ 6,695 91
August.....	10,196 09
September.....	6,162 25
October.....	13,094 52
November.....	8,694 00
December.....	16,481 77

1897.

January.....	12,299 45
February.....	12,642 47
March .....	8,835 01
April.....	10,844 36
May.....	5,371 48

June..... 11,520 97

Total..... \$122,838 28

#### RECEIPTS.

1896.

August.....\$ 185 91

September..... 24 41

October..... 112 28

November..... 1,635 90

December..... 935 12

1897.

January..... 1,269 21

February..... 261 02

March..... 1,342 44

April..... 3,165 36

June..... 2,364 50

Total..... \$ 11,269 15

Expenditures greater than receipts..... \$111,542 13

From the above statement furnished by the Auditor it will be seen that \$111,542.13, was paid out for the sustenance of the Frankfort penitentiary more than was received, for the penitentiary proper, for the fiscal year ending June 30, 1897.

Under date of January 3, 1898, Judge C. W. Lester, State Inspector and Examiner made report to the Hon. William O. Bradley, Governor of Kentucky, as follows:

"I herewith hand you two reports made to me by expert accountant, Ben. C. Weaver, who has been employed to assist in my examination of the books and accounts of the penitentiary chair plant."

On same page Judge Lester says: "I have been unable to

find any inventory of material on hand August 1, 1896, but am reliably informed that one was actually taken just before that date, and that it was all on hand August 6, 1896, when the plant began work for the present contractor. I inquired of all officials about the prison who were at all likely to know anything about it, but no two of them agreed as to the amount. It is clear, however, from their statements that it amounted to a sum between \$35,000 and \$40,000.

Your Committee is of the opinion that business has been very loosely conducted, when such state of affairs as mentioned by Judge Lester is shown to have existed.

The inventory spoken of as ranging from \$35,000 to \$40,000, shows there is a difference in the minds of the prison officials of at least \$5,000 with nothing on earth in the way of a record to show that they are within \$5,000 or \$15,000 (or any other amount) of the actual and proper amount of stock on hand at the designated date.

On page 3 Judge Lester says: "During this period, August 1, 1896, to November 1, 1897, the records at the prison show that convicts performed in the chair plant, 230,978 days' work; average per day per convict for entire period 17 2-5 cents."

By examining Warden Hancock's annual report for fiscal year ending November 30, 1897, page 32, it will be seen that the claim is made that the cost of each prisoner in the prison (sick and well ones alike) is 23 4-10 cents each per day, thus showing a loss to the State for each convict each day of the difference between 17 4-10 cents per day, as stated by Judge Lester, and cost of maintenance as mentioned above, 23 4-10 cents, which is six cents.

At this rate on labor alone, the 650 convicts employed in the chair factory are a losing game for the State of \$39 per day, to say nothing of the additional cost for the running of the factory, wear and tear on machinery, hiring of foreman

and extra guards. This seems a long way from thirty-five cents per day income to the State Treasury that was to be paid in out of the Martin chair contract. And as will be seen by additional quotations from Judge Lester's report and the expert accountant, Mr. Ben C. Weaver, there is no certainty of even the said amount per day having been realized out of this contract, because of the uncertain basis upon which the calculations rested.

Mr. Weaver says, on page five: "During the months of April, May, June and July, 1896, the output and accounts at the penitentiary were kept in a very irregular manner, being kept in several different books. After considerable labor and research, I have arrived at the following results."

Again, on page 8 under head of receipts, Mr. Weaver says: "Sundry sales of chairs at penitentiary during April, May, June and July, 1896, as found by examining sundry books kept at the penitentiary, \$3,216.95."

Again, on page 11, Mr. Weaver says: "I could not ascertain the number of convicts working in the chair plant during April, May, June and July, 1896. Mr. Flippin informed me that if statement, list or memorandum was kept of the number of convicts working in chair plant during these four months in 1896 he was unable to find them."

Again, on page 12, Mr. Weaver says: "In making my examination I found that 22 chairs were not charged to Mr. Martin. I also found 100 chairs not charged to Mr. Martin. These two errors or omissions should be reported to Mr. Flippin, the clerk at the penitentiary, so he can charge them to Mr. Martin in some subsequent bill.

"The books at the penitentiary should at all times show the indebtedness of Mr. Martin on his contract with the State. As they are now kept the contractor is charged each month with the output of chairs to him, and is only credited with chairs returned. If the Auditor of State would render each month a statement of amounts received and disbursed on

account of chair plant, etc., this would enable the clerk or book-keeper at the penitentiary to make proper entries on his books, and his books would at all times agree with the Auditor's."

From the above statements it seems to your committee that business has been conducted in exceedingly loose manner and that the trouble is as much the fault of the Auditor as of the penitentiary officials. From the report made it must have been a tedious and unsatisfactory undertaking for Judge Lester and Mr. Weaver. It seems somewhat of a miracle that they are succeeding in arriving at any conclusions whatever. And there seems no way to tell how far they are still from actual results.

They have evidently done the best that could be done under such trying circumstances.

In his report number two, page 14, Mr. Weaver is quoted as saying: "I have made two statements, first taking as a basis inventory shown me as having taken May 1, 1897; the second based on inventory shown me as having been taken July 1, 1897; I have previously made you a statement based on inventory taken on March 26, 1896. We have not examined either of these inventories so as to verify their correctness, in the only way we could, viz: as to calculation. If these three inventories are incorrect, then, of course, our two statements do not show the true condition of affairs."

This is a manly upright statement on the part of Mr. Weaver that he deserves the greatest credit for. As there seems to be nothing in the report of the special examination, nor in the warden's report that goes to prove whether correct inventories have or have not been taken.

Your Committee had Mr. Weaver before it when he testified as follows:

Wednesday, January 26, 1898.

Mr. Ben. C. Weaver, sworn by Senator Hays, states the following:

Q. (By Representative Trimble). Who employed you, Mr. Weaver?

A. I was employed by Mr. Lester, by order of the Governor.

Q. What for?

A. I was employed to investigate the chair plant to find out whether it was paying 35 cents per day for each person employed.

Q. Under what contract?

A. Under the Martin Contract.

Q. Did you?

A. Yes, sir.

Q. How did you proceed.

A. Well, I came up in October and made an investigation taking the basis made March 26, 1896. I told him I could not do anything without a basis, and that was the only one I could find except the one made in May, 1897. So I took the March, '96 basis and worked it to July, '97. That included the latter part of March, April, May, June and July that was not under the Martin contract. The Martin contract, I think, was signed the fourteenth day of July, '96, and the chairs were commenced August '96.

Q. Who made the first inventory that you based your figures on?

A. I don't know.

Q. Who was warden?

A. I don't know; Dr. Nell I think. I asked for an inventory at the beginning of the Martin contract but I did not get it.

Q. Then you did not get an inventory commencing with the Martin contract?

A. No, sir.

Q. How could you make estimates without it?

A. I told Mr. Lester I could not, and afterward they concluded that we take an inventory. And the first of November they sent for me, and it was taken up to the first of November. And I worked that up from the May and July inventory, '97. The Martin contract was in operation then. And when the July inventory was made it was in operation. They shut down in May and July to see if it was making 35 cents per day or not. They were making 60 cents per day from one calculation.

Q. Did you investigate that?

A. No, sir.

Q. Then what did you take as a basis by which you could arrive at what the Martin contract was making?

A. Well, by certain calculations I made. And on that I took the inventory to be about \$37,000 when the Martin contract commenced. I commenced with that.

Q. Do you mean by that, that there was \$37,000 worth of stock on hand?

A. Yes, sir.

Q. What constituted that?

A. Well, material and parts of chairs and lumber turned and sanded and things like that.

Q. Did you ask the Sinking Fund if they had had an inventory?

A. Yes, sir; they said they did, but could not find it.

Q. Was it not necessary to have a proper estimate?

A. Yes, sir.

Q. So they said they had one but could not find it?

A. Yes, sir.

Q. And you took as a basis \$37,000?

A. Yes, sir. Mr. Nason, a chair contractor, said it was \$35,00, and Mr. Chamberlain said it was \$35,00 or \$40,000.

Q. Who were these men employed by?

A. Well, Mr. Chamberlain was the superintendent of the factory employed by the State, but paid by the contractor.

Q. So you placed your basis on the strength of what they said?

A. No sir, not altogether. I took it from the investigation which appeared in the Senate Journal that was made in '97, and by Auditor Stone's testimony I made it \$37,000 or \$38,000. There was an inventory taken in May, I think it was \$56,000, and there was one in June for \$18,000 more.

Q. Mr. Weaver, what was the length of time that intervened between the expiration of the Kentucky Chair Company and the beginning of the Martin Company?

A. Well, in April 1896, they delivered chairs to the Kentucky Chair Company. From the first to the eleventh of April, 1896. They never delivered any more.

Q. When did the Martin contract commence?

A. July 14, '96. But the first chairs was August, '96.

Q. Then April, May, June and July intervened? Now, in giving Martin credit, did you credit the chairs made during these months?

A. When I took the inventory I did, and worked back of the Martin contract. I started my estimates from March 26, '96, as I could not get an inventory which was made before the Martin contract.

Q. Now, did you arrive at what that chair plant was making?

A. Yes, sir, I made a report, then I had no other difficulty to find out how many men were employed from August, '96. to August, '97. I could not find out from March, '96. I asked Mr. Flippen, but he said he did not have the report.

Q. Was it not absolutely necessary that a correct inventory should have been had at that time?

A. Yes, sir.

Q. What was the average employed?

A. I don't recollect. I showed that the chair plant employed on an average of 600 hands per day. But what they did in April, May, June and July I don't know. It is in the report. I do not think they were making any chairs.



Q. You have had a great deal of experience in business affairs, have you not?

A. Yes, sir.

Q. Now, wouldn't you as an expert book-keeper have found out by inventory how to manage properly and accurately the business of this prison under the present contract. Do you think it was properly managed?

A. I don't think it was.

Q. How are these books kept?

A. Well, for instance, you take the books at the penitentiary. They charge Mr. Martin with the output. They have no reports there from the Auditor's office to see for what he pays. The Auditor keeps the account of the chair plant from the penitentiary. Of course all the chairs turned out are not accepted. They have to be sent back and repaired.

Q. Now, professor, what is your first estimate dated from?

A. March 1st, '96.

Q. Now, who keeps an account of the number of hands?

A. I don't know sir.

Q. Who did you get it from?

A. Frank Searce, the clerk of the superintendent. He gave it to me typewritten.

Q. Is the Martin contract the whole output?

A. Yes, sir.

Q. What about the chairs returned?

A. Well, if they receive a chair from the factory that is damaged, why they return it.

Q. Who does the inspection?

A. I think young Collier.

Q. Who is he employed by?

A. I suppose by the contractor. As the chairs are rejected they are sold by the State. In making my report based on the estimate of March 26th, I showed that the receipts exceeded the disbursements \$22,578.96.

Q. Now, did that represent the labor of the prisoners?

A. Yes, sir.

Q. And what else?

A. I showed that during the 11 months there were 606 prisoners employed per day. It does not include April, May, June or July, 1896.

Q. Did you make any calculation on what they would receive per day?

A. No, sir.

Q. Now, if I understand you, you did not know how many were employed for the 11 months?

A. Yes, sir, on the average of 606 per day.

Q. If you had included the other months it would have been about 500 would it not?

A. I don't think I put it into my report.

Q. Now, how many days did they labor in 11 months?

A. They labored 282 days.

Q. Well, agreeing to what you say, there is nothing reliable in the first report basis for the other report?

A. No, sir. I took an inventory on November 1, 1897. I took it myself. I was there and took it with assistance of several others. I did not ask the convicts to help me; I had 13 men to help me.

Q. Well, is that an accurate report?

A. Yes, sir.

Q. Where did you base that from?

A. From May, '97. In this report I made three statements: From May 1, '97; from July 1, '97, and from July, '96.

Q. How did you make your first estimate?

A. I arrived at it from the Auditor's statement in the Senate Journal.

Q. Was there another basis made?

A. Yes, sir.

Q. Who took it?

A. I don't know. I found it in a book.

Q. Where?

A. In a book. It had two inventories in it—May and July.

Q. Who gave it to you?

A. Judge Lester. I took the next in July, '97, and it shows a net gain for the four months \$19,732. During that period of time the plant was in operation 100 days. It employed five hundred and ninety-odd persons per day at 35 cents per day.

Q. So you had no inventory to make your basis on from the beginning of the Martin contract?

A. I did not see it.

Q. Now, what is the basis per day made on your estimate?

A. Twenty-five and sixty one hundredths.

Q. Now, in making your estimates, did you not include manufactured chairs which were made at the time which intervened between the time of the Kentucky Chair Company and the Martin contract?

A. Yes, sir. Those chairs must have been in the inventory.

Q. You don't know that?

A. No, sir.

Q. And you made your estimate 37 and odd thousand dollars?

A. Yes, sir.

Q. And you did not have anything straight to go on?

A. No, sir, not at the time of the start of the Martin contract.

Q. What have you included in the supplies that went in the chairs?

A. Well, material, and glue, screws, etc. Everything charged up to chair plant.

Q. How did you keep the lumber account as to how much came in and was used?

A. Well, the Auditor pays every month for that which was bought. The penitentiary only gets the bills. I include in my disbursement book what the Auditor pays.

Q. You would not know what the loss was without knowing what went into the chairs?

A. There is no difference kept except what is bought is

paid for. The bills are sent to the Auditor, properly O. K'd and charged up to the chair plant. The penitentiary does not pay for anything.

Q. How did you arrive at the price of these new style chairs?

A. I stated in my report that there were about 133 chairs that had not been priced, and Mr. Chamberlain and Mr. Nason priced them for me. (Reads his report.) These chairs range from two dollars and sixty-five cents up to \$19.06 per dozen. And in the contract I read where the contractor shall pay so much for a superintendent and for hands. The pay roll has been increased.

Q. Can you account for it?

A. I suppose on account of employing more guards to watch the prisoners. The penitentiary charges it up to the Chair Company.

Q. (By Stone.) Do you know there was an increase of guards?

A. No, sir.

Q. (By South Trimble.) Did you examine the books of the penitentiary proper?

A. No, sir.

Q. The difference, you know, was in excess of contract?

A. Yes sir. I have it in my report where lumber had been taken by the penitentiary proper and charged up to the chair plant. Then they have seventeen thousand dollars charged, when it should not have been more than five thousand dollars according to the contract. It was proper to charge to the chair plant but not to the chair plant contract.

Q. Did you ever read the contract?

A. Yes, sir.

Q. Would it not be pretty hard to arrive at what the contract does mean?

A. I think it would be a hard matter to price chairs from that contract. For instance, the contract says the price of chairs shall be accounted for lumber, material in it, with a

liberal allowance for hands on a basis of thirty-five cents per day for prisoners.

Q. (By Mr. Stone). In regard to that inventory was not the lumber in the yard mentioned?

A. Yes sir. So much in the yard.

Q. You arrived then at the amount of profit, taking labor, material on hand, everything paid out to November first, and the amount that went out and the amount on hand?

A. Yes sir.

Q. (By South Trimble). How much did Martin give the State?

A. Well the contract reads that he shall have three months time on chairs.

(By Stone). From the last of the month.

Q. That makes it to the first of May. Now what about the general output for March?

A. Well, in making out my report I had the January output sixteen thousand.

Q. You had each month's output, did you?

A. Yes sir. I had every payment made—the contractor made to the Auditor and I had three months ahead. He got over fifty-eight or fifty-nine thousand dollars.

Q. What was it for August?

A. The output was twenty thousand dollars.

Q. How many men worked?

A. I have not reported the average per month but the general average is six hundred and six men.

Q. Now is it not a fact that the only way to make an accurate report is to take an inventory?

A. Now I have a correct inventory.

Q. Your estimates were made on a basis, and you had none for the Martin contract?

A. No, sir. Well after I got the inventories from Judge Lester I told him I could find out from Mr. Stone's inventory given in the last investigation. And I did. I worked it from May to July and then from both inventories taken here.

Q. So you worked on two other inventories?

A. Yes, sir.

Q. Who did you get them from?

A. I got them from Judge Lester or Treasurer Long. It was in a big book. I think it says, "Inventory '97."

Q. Was that a correct inventory?

A. I don't know whether the calculation was or not. I said so in my report. From the inventory made in May, '97, to July, '97, a 65 cents basis was made.

Q. Now when you inquired for information did these officers freely offer you assistance and information?

A. Yes, sir.

Q. They did not seem like trying to cover anything?

A. No, sir. I did not ask for anything I did not get.

Q. You got their books?

A. Yes, sir.

C. Now would not your whole investigation amount to nothing if this inventory were not correct?

A. Yes, sir.

Q. Who were you employed by did you say?

A. I was employed by Judge Lester by consent of the Governor.

Q. (By a Committeeman.) The inventory you took was from the best basis you could get?

A. That was all.

Q. Have you any reason to believe that the inventories were not correct?

A. I think I have. I was told, I don't recollect by whom, that they were taken by a guard and one was taken by a prisoner.

Q. They were estimates?

A. Everything was estimated and measured.

Q. (By South Trimble.) Did you hear that they were padding the inventory?

A. I was told only that the first was too small and the July one was taken too large. I still worked on the 32 cents

per prisoner. I think if any one was too large it was the July inventory.

Q. What officer said they were too large?

A. Well, I did not hear, but I did not hear the contractor kicking.

Q. (By Auditor Stone.) Did you not hear us say this, and did not Mr. Long tell you?

A. Possibly he did. I thought, however, the impression was that the last inventory was too much.

The effectiveness of this investigation by Judge Lester and Mr. Weaver, and the correctness of the conclusions reached may be judged by the questions asked and answered Mr. Weaver in the foregoing deposition. The whole matter may be summed up in two questions and answers, which will be found in the deposition.

Q. Now, would not your whole investigation amount to nothing if this inventory were not correct?

A. Yes, sir.

Q. Have you any reason to believe that the inventories were not correct?

A. I think I have. I was told, I don't recollect by whom, that they were taken by a guard and one was taken by a prisoner.

It was an utter impossibility for your Committee in a short space of time that we were able to spend on this matter to have a new inventory taken that could be depended upon for accuracy, and a true basis upon which a statement could be builded that would show the true condition of this chair plant.

That the State is fast losing money on this. Martin contract there seems no room for doubt. The Governor in his message to this Legislature speaks of the said contract as follows (see pages 11 and 12): "It then became necessary to advertise for bids for convict labor, which was done promptly, resulting in what is known as the 'Martin Contract' for the employment of 650 men."

"The contract has not realized the money which it was thought it would at the time it was made."

So said the Governor.

#### CHAIR PLANT.

Owing to the very limited time your Committee could not investigate this plant as should have been done. A good deal has been said by Commissioners in regard to the immense amount of money this plant was making for the State, but by taking the last annual report, pages 26 and 27, going by the statements of the clerk in his report he shows credit for the year under the headings of "output and repairs," "sundries," "lumber," "material on hand in finishing department," "material on hand in the upholstering department," "material on hand in the packing department," "material on hand in the caning department," "cut stock," "pillars, post spindles, backs, etc.," "chairs in caning room and factory, finished and in process," and "rejected chairs," total amount, \$280,065.72; then he shows debits material on hand, merchandise, salaries in chair shop, and chairs returned, \$226,269.97, thus showing an income over expenditures, \$53,795.75.

In order that the above conclusion might be arrived at, an inventory of \$82,857.68 is claimed to be on hand at November 30, 1897; included in this inventory are the following items:

Material on hand in upholstering department.....	\$ 7,537 07
Material on hand in caning department.....	13,335 10

These two items seems to your Committee to be an immense amount of that kind of goods to have on hand at any one time. We most respectfully refer to the annual report of Warden George under date of November 30, 1895.

He claimed an inventory at the end of his fiscal year of but \$51,795.84 or, in round numbers \$31,000 less than is claimed in the last inventory of the present warden.



Under the head of "penitentiary proper," Warden Hancock's last report shows expenditures \$121,134.78, he claims credit by labor \$29,688.11, by sundries \$718.24, by material on hand and permanent repairs \$20,520.67, or a total credit of \$50,927.02; deducting this from the expenditures, he shows excess of expenditures over income of \$70,207.76.

Deducting from this excess of expenditures over income in prison proper of \$70,207.76, the amount of excess of income over expenditures in the chair plant as heretofore shown \$53,795.75, thus leaving \$16,412.01, which the warden claims to be the amount that the prison lacks of being self-sustaining for the fiscal year ending November 30, 1897. But in bringing about this result under the head of "recapitulation" "of expenses" of penitentiary proper there is shown to be stock on hand at beginning of fiscal year of \$6,876.50. At the close of fiscal year there is an item mentioned as material on hand and permanent repairs of \$20,520.67. Thus showing an inventory in round numbers \$14,000 greater than at the beginning of the year. No items are furnished for this inventory and your Committee has no knowledge as to whether this inventory was actually taken or not.

Then again, this result is brought about by taking credit of \$29,642.68 for labor performed by convicts in the broom shops and shoe shop. It will be remembered that this shoe shop and broom shop was moved to the Frankfort prison from the Eddyville prison. While it is but proper that Major Hancock should claim this credit for labor, yet it is no credit to the Board of Sinking Fund Commissioners to thus show that this prison has been brought up to the point where it is within \$16,412.01 of being self-sustaining when the reports of the Eddyville prison as shown by the Auditor's report has been robbed of its income by this removal of shops. See Auditor's report for fiscal year July 1, 1896, to June 30, 1897, page 135, "warrants issued for branch penitentiary \$51,826.61;" see same report page 119, "receipts into the treasury from July 1, 1896,

to June 30, 1897, \$1751.08," or a showing of expenses greater than income of \$50,075.53.

#### DEATHS.

Your Committee found that for the fiscal year from December 1, 1895, to November 30, 1896, (under management of three wardens), the number of deaths to be 19, or 1 57-100 per cent. of the whole number of prisoners. The first five months of this year Warden Henry George was in charge. For the next four months our distinguished fellow citizen and lamented friend and co-worker in the cause for the betterment of fallen mankind, Dr. Nell, was warden. Truly may it be said that when this just man was called hence to join those who have passed over the river the prisoners of Kentucky lost a friend.

We say this without in any way disparaging the record of the distinguished soldier and statesman who was the warden for the first five months, or the distinguished soldier, Major Hancock, who was warden for the last three months of that fiscal year. A mingling of the blue and the gray under one flag, laboring to one end, that men guilty of crime may learn to become penitent and lead better lives.

For the fiscal year from December 1, 1896, to November 30, 1897, the number of deaths at this prison was 23, or 1 86-100 per cent. of all prisoners, under the management of Warden Hancock.

Your Committee in comparing the death rate at this prison with that of the death rate of the Eddyville prison for the same fiscal year (December 1, 1896, to November 30, 1897), found the number of deaths at the Eddyville prison to be 25 out of 476 prisoners, or 5¼ per cent.

Major Hancock deserves credit for this great difference in percentage of deaths without even stopping to consider that he had twice as many prisoners huddled up in less space, as

to yard room and ground than did Warden J. H. Happy of the Eddyville prison,

The Eddyville warden, in his report for same fiscal year, page 3, claims that 11 of the deaths that occurred under his management for that year, "were incurable invalids, mostly consumptives, transferred from Frankfort."

Your Committee finds that, by deducting the 11 deaths (mentioned by Warden Happy) from his total number of deaths (25), he still has fourteen deaths to account for.

We further find that if we add these 11 deaths spoken of by Warden Happy to the number of deaths (23) reported by Major Hancock at Frankfort prison, that the total number would have been 34.

And even then the death rate at Eddyville would still be two and ninety-four one hundredth per cent. of whole number of prisoners, while the percentage under Major Hancock at the Frankfort prison would only be two and three-quarters per cent., or 19-100 per cent. less than the death rate at the Eddyville prison, after he (Major Hancock) had shouldered 11 of the deaths that occurred under the management of Warden J. H. Happy at the Eddyville penitentiary for the fiscal year, from December 1, 1896 to November 30, 1897.

Although this death rate at the Frankfort prison (either with or without the 11 Eddyville deaths), is greater than the death rate for the preceding fiscal year, your Committee desires to commend Warden Hancock and his management over that of Warden Happy at the Eddyville penitentiary.

Every one will concede that the penitentiary at Eddyville, as situated on high ground overlooking the Cumberland river, is a much healthier location than the Frankfort penitentiary.

In conclusion your Committee wish to again mention that they consider the prisoners to be well fed and warmly clad and the sanitary arrangements to be as good as can be expected from the crowded condition of the prison. We desire to commend Major Hancock on his low death rate as compared with

the death rate shown to exist at the Eddyville prison. Your Committee desires to express the hope that the chair plant of Frankfort penitentiary will at a future day not far distant be properly managed in a business like way that will show a favorable report for the plant without the numerous items shown in report under the numerous headings of stock on hand, permanent improvements, repairs for machinery, stock in caning room and upholstering department. Your Committee is of the opinion that this chair plant can be managed and ought to be managed in such manner as to make this prison self sustaining and pay a dividend beyond all dispute of investigations, stocks on hand and this, that and the other allowance for the numerous items and accounts mentioned above.

Your Committee would recommend, if it is not impracticable, that the heavy stocks shown by the last annual report to be on hand in the caning room and upholstering department be reduced to the minimum.

SOUTH TRIMBLE, Chairman.

CLAUDE DESHA,

J. D. WILLS

REUBEN CONNER,

L. C. RAWLINGS,

T. W. CLARK,

JOS. A. HUMPHREYS.

Ordered that said reports be spread upon the Journal of the House.

A message was received from the Governor announcing that he had approved and signed bills of the following titles, viz:

H. B. 402. An act for the benefit of Lakeland Asylum.

H. B. 317. An act providing for the enlargement of the electric plant at the Frankfort Penitentiary and making appropriation therefor.

H. B. 142. An act requiring the appointment of at least

one woman physician in certain institutions in this Commonwealth.

H. B. 376. An act providing for the enlargement of the present dining-room, kitchen and hospital of the Kentucky Penitentiary at Frankfort.

H. B. 136. An act to prohibit the sale, barter or loan of any intoxicating leverage, liquid mixture or decoction in the local option districts in this State and providing a penalty therefor.

The House took from the orders of the day:

S. B. 21. An act to amend an act approved March 16, 1894, entitled "An act relating to voluntary assignments."

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 14, of an act entitled, "An act relating to voluntary assignments," approved March 16, 1894, be amended by inserting after the words "real property," the words "when sold at public sale," and by inserting after the words "decretal sale" the following words: "Provided, The purchaser shall have the right to pay cash, and the assignee to accept cash in payment of the purchase price at any such sale," so that said section shall read when so amended, as follows:

"Sec. 14. Personal property conveyed shall be sold by the assignee at private or public sale, as the court may direct; and the assignee shall have power to pass title to the same as fully as the assignor could have done at the date of the assignment. Real property when sold at public sale shall be sold in the same manner and upon the same terms as real property sold at decretal sale; Provided, The purchaser shall have the right to pay cash, and the assignee to accept cash in payment of the purchase price at any such sale; and the court may make

such orders concerning the advertisement of the sale as it deems proper, and the assignee shall have power to convey and pass all the right and title to the same which the grantors in the deed of assignment had at its date. The report of sale shall be filed by the assignee within ten days after the sale, and if no exceptions are filed thereto, the same shall be confirmed at the second regular term after it has been filed. If exceptions are filed, they shall be heard by the court and disposed of."

Sec. 2. That section 23 of said act, set out in section 1 of this act, be amended by adding thereto the following: "And the said circuit court shall have all the power and authority to administer and settle up the assigned estate conferred on the county court by this act, in addition to its power and authority heretofore existing as a chancery court, and the assignee shall have full power and authority to sell the personal and real property belonging to the assigned estate, at public or private sale, and to convey and pass all the right and title to the same which the grantors had in the deed of assignment at its date; and said assignee shall within ten days after such sale report same to the circuit court in which the suit for settlement of the estate is pending, and such report shall thereupon be laid over ten days for exceptions, and if no exceptions are filed within that time, same shall thereupon be confirmed. If exceptions are filed, then such exceptions shall be heard and determined by the court;" so that said act when so amended shall read as follows:

"Sec. 23. The provisions of this chapter shall not prevent actions to settle estate by the assignee, or by any creditor or creditors representing one-fourth of the liabilities, from being brought into the circuit court; Provided, That whenever a suit involving a settlement of the estate shall be brought in the circuit court of the county in which the assignment is made, the jurisdiction of the county court shall cease, and all papers relating to the estate, and filed in the county court, shall be transmitted by the clerk thereof to the clerk of the circuit court,

and by him filed in such suit, and the said circuit court shall have all the power and authority to administer and settle up the assigned estate conferred on the county court by this act, in addition to its power and authority heretofore existing as a chancery court, and the assignee shall have full power and authority to sell the personal and real property belonging to the assigned estate, at public or private sale, and to convey and pass all the right and title to the same which the grantors had in the deed of assignment at its date; and said assignee shall within ten days after such sale report same to the circuit court in which the suit for settlement of the estate is pending and such report shall thereupon be laid over ten days for exceptions and if no exceptions are filed within that time, same shall thereupon be confirmed. If exceptions are filed then such exceptions shall be heard and determined by the court."

Sec. 3. Whereas, A large number of assigned estates are now being settled in this State, and are embarrassed by the doubtful character of the act sought to be amended herein, an emergency is now declared to exist, and this act shall take effect from its passage and approval by the Governor.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Joseph F. Laufer,	S. Atwood Smith,
B. W. Bradburn,	J. M. Lee,	G. Weissinger Smith,
J. L. Brown,	J. R. Mallory,	F. G. Shepherd,
George H. Bishop,	J. D. Mocquot,	J. A. Small,
A. H. Charlton,	J. R. Mount,	Andrew Sargent,
W. H. Cooke,	W. J. Mears,	O. P. Searcy,
J. C. Cantrill,	J. H. Minor,	Waller Sharp,
J. E. Cahill,	J. Mc. Meloan,	G. B. Stout,
A. S. Denton,	M. F. North,	Ham. Shehan,
Claude Desha,	Chas. Aaron Nelson,	B. F. Saunders,

M. T. Freeman,	Emmett Orr,	A. J. Thompson,
W. W. Gill,	Chas. F. Ogden,	Frank M. Tracy,
W. C. Holland.	Michael O'Sullivan,	South Trimble,
C. W. Haverly,	L. J. Owen,	George Traver,
J. A. Humphreys,	Harry C. Pulliam,	L. E. Weatherford,
W. C. G. Hobbs,	V. Perkins,	R. E. Watkins,
John T. Hinton,	A. B. Pieratt,	R. C. Walker,
J. P. Haswell, Jr.,	W. H. Ragland,	David Woods,
W. B. Henderson,	J. S. Robey,	Jas. H. Williams-58.
G. W. Hickman,		

Those who voted in the negative were:

W. T. Chilton—1.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

H. Res. 11. Resolution authorizing and directing the State Librarian to furnish copies of the reports of the Court of Appeals to certain counties.

Ordered that said resolution be read the third time.

Said resolution was read the third time and rejected as follows, viz:

Whereas, Certain counties of this Commonwealth have by unavoidable casualties lost their Kentucky Reports and have been unable to purchase any such Reports; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the State Librarian be, and she is hereby authorized and directed to purchase and furnish any county or counties in this Commonwealth with two sets of the Kentucky Reports, one set to the circuit court clerk and the other to the county court clerk, upon the affidavit of the county attorney of such county or counties that by fire or any other unavoidable accident that said clerks have no Reports, or not the



greater part of a set, for their respective offices, and that the same have been destroyed.

Sec. 2. The Auditor of Public Accounts shall draw his warrant in favor of the State Librarian to pay for any sets or parts of sets of Reports authorized under this resolution.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	R. C. Jarnagin,	S. Atwood Smith,
B. W. Bradburn,	John M. Letterle,	F. G. Shepherd,
J. L. Brown,	J. M. Lee,	O. P. Searcy,
George H. Bishop,	J. R. Mallory,	Waller Sharp,
A. H. Charlton,	J. D. Mocquot,	G. B. Stout,
W. T. Chilton,	W. H. McKee,	B. F. Saunders,
J. C. Cantrill,	Chas. Aaron Nelson,	George Traver,
J. E. Cahill,	L. J. Owen,	C. A. Wilson,
W. W. Gill,	A. B. Pieratt,	C. B. Wheeler,
J. P. Haswell, Jr.,	L. C. Rawlings,	Jas. H. Williams—30.

Those who voted in the negative were:

Reuben Conner,	W. J. Mears,	E. H. Read,
T. W. Clark,	R. C. Myers.	J. S. Robey,
A. S. Denton,	J. H. Minor,	J. A. Small,
M. T. Freeman,	J. Mc. Meloan,	Andrew Sargent,
W. C. Holland,	M. F. North,	A. J. Thompson.
C. W. Haverly,	Chas. F. Ogden,	H. S. Vanzant,
W. B. Henderson,	Michael O'Sullivan,	L. E. Weatherford,
G. W. Hickman,	V. Perkins,	R. C. Walker,
Joseph F. Laufer,	W. H. Ragland,	David Woods—28.
J. R. Mount,		

Said resolution was rejected.

Mr. Jarnigan from the Committee on State Prisons and House of Reform submitted the following report, viz:

To the House of Representatives:

As a member of a committee charged with the duty of visiting the branch penitentiary and reporting on its condition, I beg to make the following minority report:

The Committee, consisting of ten members—nine Democrats and one Republican—left Frankfort on Saturday, February 19th, at 5:39 o'clock P. M. They remained in Louisville Saturday night and Sunday night, attending the theater Saturday night, Sunday and Sunday night, and left Louisville Monday morning at 7:20 o'clock for Eddyville. We arrived at Eddyville at 2:30 o'clock P. M. Monday, and remained there until the next afternoon at 4 o'clock. The Committee took as guests or guides, Mr. Swango and Mr. Caufield. No evidence was taken.

I am unable to concur in the majority report, because it is inaccurate and unjust. I carefully examined the buildings, grounds, condition of the prisoners and the character of the food and clothing of the convicts, and talked with the prison officials and citizens, and examined the testimony of the leading citizens taken in 1897 by the Board of Sinking Fund Commissioners. The food of the convicts is good and wholesome, and the clothing comfortable. The cells are clean and nicely whitewashed, the beds and bedding are well kept. The sewerage has been provided with traps, and the noxious gases can not, as under the old regime, befoul the cell houses with their poison. Walks—which were unknown when the present officials took charge—have been made all through the grounds—to the dining-room, the chapel, the hospital and the shops, and grass plats between them. The ground in front of the administration building has been smoothed off, the rocks removed and a nice fence built in front. Shade trees have been set around the chapel with beds of flowers between, and a hot-house has been erected to care for the flowers and plants in winter. With the exception of the debris from the recently erected shops, and the litter incident to the removal of spoke material by the late

contractors—the Mason & Foard Co.—the yards are in good condition. Some shavings from hoop-poles were found in heaps, but these will be consumed immediately after the new shops begin to run, rendering additional steam necessary. The sanitary conditions are good. The reports show that the death rate in 1895 was 40 per cent. greater than in 1897, and 24 per cent. greater than in 1896.

I have examined the testimony of leading citizens of Eddyville and Lyon county given before the commissioners in February, 1897, and printed in the public documents of that year. They are Democrats, and would not state falsely against their party when they were not sore over anything it, or the men controlling its organization, had done. Their evidence is fully sustained by the interviews I had with other citizens of the town, who were intelligent men, and gave evidence of familiarity with the relative merits of this and former administrations. General Lyons, Judge Crumbaugh, M. P. Molloy, Chairman Democratic Committee, John Boyd, Mayor, and others, all Democrats, swore that the management of this administration was better than that of former administrations.

R. C. JARNAGIN.

Ordered that said report be spread upon the Journal of the House.

The House took from the orders of the day:

S. B. 155. An act to authorize any public school or graded school district in this State having outstanding against it interest bearing bonds, to refund same, and in lieu thereof to issue other bonds bearing a lower rate of interest.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Whereas, It is represented to this General Assembly that some of the public school districts and graded common school districts of this State, have heretofore, by and through their respective boards of trustees, issued the bonds of said districts

for the purpose of securing grounds and buildings for the use of their said schools, which bonds are now outstanding, unpaid and are bearing a high rate of interest; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it shall be lawful for any public school district or graded common school district in this State, which through or by their respective board of trustees, or otherwise, may have heretofore issued the bonds of such district, and which bonds are still outstanding and bearing a high rate of interest, to refund said bonds, and in lieu of them to issue new bonds bearing interest at a rate not greater than five per cent. per annum, payable semi-annually, with interest coupons attached, and to run not less than twenty years. Said bonds and coupons to be made payable to bearer and to be serially numbered. The bonds to be signed by the chairman of the board of trustees of the district issuing the same and countersigned or attested by the secretary of said board, the coupon to be signed by the secretary. Said new bonds may be of any denomination to be determined by the board of trustees, but not to exceed one thousand dollars, and the said new bonds shall not in the aggregate exceed the amount of the old bonds and accrued interest, and the actual expense of preparing and negotiating the new bonds.

Sec. 2. The bonds to be issued under the provisions of this act shall be paid, principal and interest, in the manner and at the place provided by law for the payment of the old bonds in lieu of which the new bonds may be issued.

Sec. 3. Neither the new bonds to be issued under the authority of this act nor any of the proceeds of the sale thereof shall be used for any purpose other than the liquidation of said old bonds and the necessary expense of issuing and placing the new bonds.

Sec. 4. The board of trustees of the school districts for the benefit of which said new bonds are authorized to be issued

are empowered to sell the bonds to be issued as aforesaid for the best price obtainable, not less than par, and to use the proceeds in paying off and liquidating the old bonds, in lieu of which the new bonds are to be issued; or they may deliver the new bonds to the holders of the old ones in payment thereof on such terms as may be agreed upon.

Sec. 5. The bonds authorized by this act shall pass by delivery and shall entitle the holders thereof to collect and receive from the school district issuing the same the full amount of the bonds so held.

Sec. 6. The bonds to be issued under this act shall conform in general out lines and form as nearly as may be practicable to the old bonds in lieu of which they are to be issued.

Sec. 7. The board of trustees of any public school district which may issue bonds under the provisions of this act shall have the right as its option to take in any of said bonds at any time after five years from the date of same by paying the face value thereof and accrued interest up to the time of payment.

The yeas and nays being required thereon by a provision of the Constitution were as follows, viz:

Those who voted in the affirmative were:

T. H. Armstrong,	J. R. Mallory,	W. H. Ragland,
J. L. Brown,	J. D. Mocquot,	E. H. Read,
W. H. Cole,	J. R. Mount,	J. S. Robey,
Reuben Conner,	R. C. Myers,	S. Atwood Smith,
A. H. Charlton,	John M. Moore,	F. G. Shepherd,
T. W. Clark,	W. H. McKee,	Andrew Sargent,
J. C. Cantrill,	F. May,	O. P. Searcy,
A. S. Denton,	J. H. Minor,	Waller Sharp,
Claude Desha,	J. Mc. Meloan,	G. B. Stout,
W. W. Gill,	M. F. North,	A. J. Thompson,
W. C. Holland,	Chas. Aaron Nelson,	South Trimble,
W. C. G. Hobbs,	Emmett Orr,	H. S. Vanzant,

John T. Hinton,	Chas. F. Ogden,	L. E. Weatherford,
W. B. Henderson,	Michael O'Sullivan,	C. A. Wilson,
G. W. Hickman,	L. J. Owen,	R. E. Watkins,
J. H. Lackey,	Harry C. Pulliam,	R. C. Walker,
Joseph F. Laufer,	E. Petty,	David Woods,
John M. Letterle,	V. Perkins,	Jas. H. Williams-56.
J. M. Lee,	A. B. Pieratt,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The hour of 11 o'clock A. M., having arrived a message was sent the Senate notifying that body that the House was ready to proceed to the execution of the joint order of the day, viz:

The election of election commissioners.

The Senate entered the hall of the House\* in order, Hon. Wm. Goebel, Speaker pro tem of the Senate, taking the chair upon right of the Speaker of the House and presiding, called the Joint Assembly to order.

Upon the call of the roll the following Senators and Representatives answered to their names, viz:

#### Senators—

Geo. H. Alexander,	Newton Frazier,	James W. Shanks.
W. J. Bale,	J. C. Gillespie,	Fenton Sims,
C. J. Bronston,	William Goebel,	J. M. Thomas,
R. B. Brown,	Thos. H. Hays,	R. S. Triplett,
L. H. Carter,	W. O. Jones,	W. T. Voiers,
T. J. Elmore,	James S. Lay,	T. R. Welch,
G. T. Farris,	C. C. McChord,	J. T. Wilson—22.
McD. Ferguson,		

#### Representatives—

M. Abele,	W. B. Henderson,	J. S. Robey,
Bruce Adkins,	G. W. Hickman,	S. Atwood Smith.

T. H. Armstrong,	Joseph F. Laufer,	G. Weissinger Smith,
A. C. Brown,	John M. Letterle,	F. G. Shepherd,
Geo. H. Bishop,	J. M. Lee,	J. A. Small,
Reuben Conner,	J. R. Mallory,	O. P. Searcy,
A. H. Charlton,	J. R. Mount,	Miles Spurlock,
W. W. Combs,	W. J. Mears,	G. B. Stout,
T. W. Clark,	John M. Moore,	B. F. Saunders,
W. T. Chilton,	W. H. McKee,	A. J. Thompson,
W. H. Cooke,	W. A. Morris,	South Trimble,
J. C. Cantrill,	J. Mc. Meloan,	George Traver,
J. E. Cahill,	M. F. North,	L. E. Weatherford,
J. Morgan Chinn,	Chas. Aaron Nelson,	C. A. Wilson,
A. S. Denton,	Michael O'Sullivan,	R. E. Watkins,
Claude Desha,	Harry C. Pulliam,	R. C. Walker,
W. C. Holland,	E. Petty,	J. D. Wills,
J. A. Humphreys,	A. B. Pieratt,	J. H. Williams,
W. C. G. Hobbs,	L. C. Rawlings,	Spk'r Beckham—59.
John T. Hinton,	W. H. Ragland,	

A majority of all the members elected to both houses having answered to their names the President of the Joint Assembly announced that a quorum was present, and that nominations for the officers of election commissioners of the State of Kentucky was in order.

Whereupon Mr. Trimble nominated Hon. C. B. Poyntz, of Mason county, W. T. Ellis, of Daviess county, and W. S. Pryor, of Henry county, as suitable persons to fill said offices.

There being no further nominations the vote was then taken thereon which resulted as follows, viz:

Those who voted for W. S. Pryor were:

Senators—

Geo. H. Alexander,	J. C. Gillespie,	James W. Shanks,
W. J. Bale,	Wm. Goebel,	Fenton Sims,
R. B. Brown,	Thos. H. Hays,	J. M. Thomas,
L. H. Carter,	J. J. Johnson,	R. S. Triplett,

T. J. Elmore,  
G. T. Farris,  
McD. Ferguson,  
Newton Frazier,

W. O. Jones,  
James S. Lay,  
C. C. McChord,

W. T. Voiers,  
T. R. Welch,  
J. T. Wilson—22.

#### Representatives—

M. Abele,  
Bruce Adkins,  
T. H. Armstrong,  
A. C. Brown,  
Geo. H. Bishop,  
Reuben Conner,  
A. H. Charlton,  
W. W. Combs,  
T. W. Clark,  
W. T. Chilton,  
W. H. Cooke,  
J. C. Cantrill,  
J. E. Cahill,  
J. Morgan Chinn,  
A. S. Denton,  
Claude Desha,  
W. C. Holland,  
J. A. Humphreys,  
W. C. G. Hobbs,  
John T. Hinton,  
W. B. Henderson,

G. W. Hickman,  
Joseph F. Laufer,  
John M. Letterle,  
J. M. Lee,  
J. R. Mallory,  
J. R. Mount,  
J. J. Marquette,  
W. J. Mears,  
John M. Moore,  
W. H. McKee,  
W. A. Morris,  
J. Mc. Meloan,  
M. F. North,  
Chas. Aaron Nelson,  
Emmett Orr,  
Michael O'Sullivan,  
Harry C. Pulliam,  
E. Petty,  
A. B. Pieratt,  
L. C. Rawlings,  
W. H. Ragland,

J. S. Robey,  
S. Atwood Smith,  
G. Weissinger Smith,  
F. G. Shepherd,  
J. A. Small,  
O. P. Searcy,  
Miles Spurlock,  
Waller Sharp,  
G. B. Stout,  
B. F. Saunders,  
A. J. Thompson,  
South Trimble,  
George Traver,  
L. E. Weatherford,  
C. A. Wilson,  
R. E. Watkins,  
R. C. Walker,  
J. D. Wills,  
Jas. H. Williams,  
Spk'r Beckham—62.

Those who voted for W. T. Ellis were:

#### Senators—

Geo. H. Alexander,  
W. J. Bale,  
R. B. Brown,  
L. H. Carter,  
T. J. Elmore,

J. C. Gillespie,  
William Goebel,  
Thos. H. Hays,  
J. J. Johnson,  
W. O. Jones,

James W. Shanks,  
Fenton Sims,  
J. M. Thomas,  
R. S. Triplett,  
W. T. Voiers,



G. T. Farris,	James S. Lay,	T. R. Welch,
McD. Ferguson,	C. C. McChord,	J. T. Wilson—22.
Newton Frazier,		

## Representatives—

M. Abele,	G. W. Hickman,	J. S. Robey,
Bruce Adkins,	Joseph F. Laufer,	S <sup>r</sup> Atwood Smith,
T. H. Armstrong,	John M. Letterle,	G. Weissinger Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd.
Geo. H. Bishop,	J. R. Mallory,	J. A. Small,
Reuben Conner,	J. R. Mount,	O. P. Searcy,
A. H. Charlton,	J. J. Marquette,	Miles Spurlock,
W. W. Combs,	W. J. Mears,	Waller Sharp,
T. W. Clark,	John M. Moore,	G. B. Stout,
W. T. Chilton,	W. H. McKee,	B. F. Saunders,
W. H. Cooke,	W. A. Morris,	A. J. Thompson,
J. C. Cantrill,	J. Mc. Meloan,	South Trimble,
J. E. Cahill,	M. F. North,	George Traver,
J. Morgan Chinn,	Chas. Aaron Nelson,	L. E. Weatherford,
A. S. Denton,	Emmett Orr,	C. A. Wilson,
Claude Desha,	Michael O'Sullivan,	R. E. Watkins,
W. C. Holland,	Harry C. Pulliam,	R. C. Walker,
J. A. Humphreys,	E. Petty,	J. D. Wills,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams,
John T. Hinton,	L. C. Rawlings,	Spk'r Beckham—62.
W. B. Henderson,	W. H. Ragland,	

Those who voted for C. B. Poyntz were:

## Senators—

Geo. H. Alexander,	J. C. Gillespie,	James W. Shanks,
W. J. Bale,	William Goebel,	Fenton Sims,
R. B. Brown,	Thos. H. Hays,	J. M. Thomas,
L. H. Carter,	J. J. Johnson,	R. S. Triplett,
T. J. Elmore,	W. O. Jones,	W. T. Voiers,
G. T. Farris,	James S. Lay,	T. R. Welch,

McD. Ferguson,  
Newton Frazier,

C. C. McChord,

J. T. Wilson—22.

Representatives—

M. Abele,	G. W. Hickman,	J. S. Robey,
Bruce Adkins,	Joseph F. Laufer,	S. Atwood Smith,
T. H. Armstrong.,	John M. Letterle,	G. Weissinger Smith,
A. C. Brown,	J. M. Lee,	F. G. Shepherd,
George H. Bishop,	J. R. Mallory,	J. A. Small,
Ruben Conner,	J. R. Mount,	O. P. Searcy,
A. H. Charlton,	J. J. Marquette,	Miles Spurlock,
W. W. Combs,	W. J. Mears,	Waller Sharp,
T. W. Clark,	John M. Moore,	G. B. Stout,
W. T. Chilton,	W. H. McKee,	B. F. Saunders,
W. H. Cooke,	W. A. Morris,	A. J. Thompson,
J. C. Cantrill,	J. Mc. Meloan,	South Trimble,
J. E. Cahill,	M. F. North,	George Traver,
J. Morgan Chinn,	Chas. Aaron Nelson,	L. E. Weatherford,
A. S. Denton,	Emmett Orr,	C. A. Wilson,
Claude Desha,	Michael O'Sullivan,	R. E. Watkins,
W. C. Holland,	Harry C. Pulliam,	R. C. Walker,
J. A. Humphreys,	E. Petty,	J. D. Wills,
W. C. G. Hobbs,	A. B. Pieratt,	Jas. H. Williams,
John T. Hinton,	L. C. Rawlings,	Spk'r Beckham—62.
W. B. Henderson,	W. H. Ragland,	

Messrs. Pryor, Poyntz and Ellis having received a majority of all the votes cast, the same being a majority of all the Senators and Representatives elected to both Houses, were declared to be duly elected Election Commissioners for the State of Kentucky for the terms fixed by law.

Mr. Trimble moved that the joint assembly do now dissolve.

Said motion was adopted.

Whereupon the Senate retired, and the Speaker of the House resumed the chair and called the House to order.

The House took from the orders of the day:

S. B. 87. An act to amend sections 149 and 150 of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893, now being section 1279 of chapter 36 of the Kentucky Statutes.

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sections 149 and 150 of an act entitled, "An act relating to crimes and punishments," approved April 10, 1893, now being section 1279, of chapter 36, of Kentucky Statutes be, and is hereby amended. Said section reads as follows, to-wit:

"All manufacturers or venders of mineral water and other beverages, or fermented liquors by law allowed to be sold in bottles, upon which their names or their trade-mark shall be impressed, may file with the clerk of the county court a written description and sample of such bottle, and of the name or marks thereon, and have such description recorded in said clerk's office; and shall cause a certified copy of said description to be published for not less than three weeks successively, in a daily or weekly newspaper published in the county where said description is recorded. No person shall, without the consent, in writing, of the owner, fill with mineral water or other beverage any bottle or bottles marked as provided in the preceding section, or offer for sale, or traffic in any such bottles not purchased by him of such owner. Every person so offending shall be liable to a fine of one dollar for every bottle so filled, or sold or used, or disposed of, or purchased, or trafficked in, for the first offense, and five dollars for every subsequent offense."

Said section when amended shall read as follows, to-wit:

"Any and all persons and corporations engaged in manufacturing, bottling or selling soda waters, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages or medicines, medical preparations, perfumery, oils, compounds or mixtures in bottles, siphons, tins or kegs, with his, her, its or their name or names, or other marks or devices branded, stamped, engraved or etched, blown, impressed, or otherwise produced upon such bottles, siphons, tins or kegs, or the boxes used by him, her, it or them, may file in the office of the clerk of the county in which his, her, its or their principal place of business is situated, or if such person, persons, corporation or corporations shall manufacture or bottle out of this State then in any county in this State, and also in the office of the Secretary of State, a description of the name or names, mark or devices so used by him, her, it or them respectively, and cause such description to be printed once in each week for three weeks successively in a newspaper published in the county in which said notice may have been filed as aforesaid."

"Section 1. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, lager beer, weiss beer, white beer, or other beverages, or with medicine, medical preparations, perfumery, oils, compounds or mixtures, any bottle, box, siphon, tin or keg so marked or distinguished as aforesaid, with or by any mark or device, of which a description shall have been filed and published, as provided above, or to deface, erase, obliterate, cover up or otherwise remove or conceal, any such name, mark, or devise thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same without the written consent of, or unless the same shall have been purchased by such person or corporation exclusive of the contents thereof, from the person or persons, corporation or corporations whose mark or device shall be or shall have been in or upon the bottle, box, siphon, tin or keg so filled, trafficked in, used

or handled as aforesaid. Any person or persons, or corporation or corporations offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment not less than ten days nor more than one year, or by a fine of fifty cents for each and every such bottle, box, siphon, tin or keg so filled, sold, used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprisonment, and for each subsequent offense by imprisonment not less than twenty days nor more than one year, or by a fine of not less than one dollar nor more than five dollars for each and every bottle, box, siphon, tin or keg so filled, sold, used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprisonment 'in the discretion of the magistrate before whom the offense shall be tried.

"Sec 2. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be, or shall have been upon the same without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, box, siphon, tin or keg, a description of the name, mark or device, whereon shall have been filed and published, as herein provided, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, beer, small beer, lager beer, weiss beer, white beer, or other beverages, or any article of merchandise, medicines, medical preparations, perfumery, oils, compounds, mixtures, or preparations, or for the furnishing of such or similar beverages to customers, or the buying, selling, using for any purpose, disposing of or trafficking in any such bottles, boxes, siphons, tins or kegs, by any person other than said persons or corporations having a name, mark or device thereon of such owner without such written consent, or the having by any junk dealer or dealers in second-hand articles, vender of bottles, rags or collectors of or dealers in articles found in ashes, garbage or other refuse, whether at the public dumps or elsewhere, possession of any such bottles, boxes, siphons, tins

or kegs, whether whole or broken, a description of the marks, names or devices, whereon shall have been so filed and published as aforesaid, without such written consent, shall and is hereby declared to be presumptive evidence of the said unlawful use, purchase and traffic in such bottles, boxes, siphons, tins or kegs.

"Sec. 3. Whenever any person, persons or corporation who shall have so filed and published as aforesaid, or his, her, its or their agent shall make oath before any magistrate that he, she or it has reason to believe, and does believe, that any of his, her, its or their bottles, boxes, siphons, tins or kegs, a description of the names, marks or devices whereon has been filed and published as aforesaid, are being unlawfully used or filled, or had, by any person or corporation manufacturing or selling soda, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages or medicine, medical preparations, perfumery, oils, compounds or mixtures, or that any junk dealer, or dealer in second-hand articles, venders of bottles, rags, or collectors of or dealers in articles found in ashes, garbage or other refuse, whether at the public dumps or elsewhere, or any other person or corporation has any such bottles, boxes, siphons, tins or kegs in his, her or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession such bottles, boxes, siphons, tins or kegs may be found, and shall then inquire into the circumstances of such possession, and if such magistrate finds that such person has been guilty of a violation of section 1 of this act, he must impose the punishment herein prescribed, and he shall also award possession of the property taken upon such warrant to the owner thereof.

"Sec. 4. The requiring, taking or accepting of any deposit for any purpose upon any bottle, box, siphon, tin or keg shall not be deemed or constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

"Sec. 5. Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned as aforesaid in this act, a description of the name or names, mark or devices upon his, her, their or its property herein mentioned, and has caused the same to be published according to the law existing at the time of such filing and publication, shall not be required to again file and publish such description to be entitled to the benefits of this act.

"Sec. 6. All acts or parts of acts inconsistent herewith are, for the purposes of this act, hereby repealed.

"Sec. 7. This act shall take effect and be in force in ninety days from the expiration of this session."

The yeas and nays being required thereon by a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were:

M. Abele,	Joseph F. Laufer,	A. B. Pieratt,
T. H. Armstrong,	John M. Letterle,	W. H. Ragland,
J. L. Brown,	J. M. Lee,	S. Atwood Smith,
Reuben Conner,	J. R. Mallory,	G. Weissinger Smith,
A. H. Charlton,	J. D. Mocquot,	Andrew Sargent,
T. W. Clark,	J. R. Mount,	O. P. Searcy,
W. H. Cooke,	W. J. Mears,	Waller Sharp,
J. C. Cantrill,	R. C. Myers,	G. B. Stout,
A. S. Denton,	John M. Moore,	B. F. Saunders,
Claude Desha,	W. H. McKee,	A. J. Thompson,
W. W. Gill,	F. May,	South Trimble,
W. C. Holland,	J. Mc. Meloan,	H. S. Vanzant,
J. A. Humphreys,	M. F. North,	L. E. Weatherford,
W. C. G. Hobbs,	Chas. Aaron Nelson,	C. A. Wilson,
John T. Hinton,	Emmett Orr,	C. B. Wheeler,
J. P. Haswell, Jr.,	Chas. F. Ogden,	R. E. Watkins,
W. B. Henderson,	Michael O'Sullivan,	R. C. Walker,
G. W. Hickman,	L. J. Owen,	David Woods,

R. C. Jarnagin,	Harry C. Pulliam,	Jas. H. Williams-59.
J. H. Lackey,	E. Petty,	

Those who voted in the negative were: none.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The House took from the orders of the day:

S. B. 63. An act to amend an act entitled, "An act to provide for the creation and regulation of real estate title insurance companies."

Ordered that said bill be read the third time.

Said bill was read the third time and passed as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That section 6, of chapter 99, of session acts, 1894, be amended and re-enacted so as to read as follows:

"No such corporation shall be formed with a smaller capital than twenty-five thousand dollars in counties having a population of twenty-five thousand or less; and not less than fifty thousand dollars in counties having a population of over twenty-five thousand and less than forty thousand; and not less than seventy-five thousand dollars in counties having a population of over forty thousand and less than seventy-five thousand; and not less than one hundred thousand dollars in counties having a population of over seventy-five thousand and less than one hundred thousand; and not less than one hundred and fifty thousand dollars in counties having a population of over one hundred thousand."

Sec. 2. That section 10 of said chapter be amended and re-enacted so as to read as follows:

"Every such corporation shall set apart at least two-fifths, but in no case less than two-thirds of the minimum stock required by this act, of the amount of its paid-up capital stock



as a guaranty fund, and the said fund shall be invested only in bonds of the United States of America, and bonds and mortgages, lien-notes or deeds of trust on unencumbered real estate within the State of Kentucky, worth at least fifty per centum more than the sum loaned thereon; but in estimating the value of such real estate the value of the building thereon shall be excluded, unless such buildings be insured against fire and the policy transferred to the corporation, and such insurance shall be continued in force as long as the loan continues. No such corporation shall issue any insurance until such sum has been set apart and invested. Such guaranty fund shall be kept and applied only for the security and payment of losses and expenses which may be incurred by reason of the guaranties or insurance made as aforesaid, and shall not be subject to other liabilities of the corporation to the extent of, and so long as any such insurance is outstanding. In case an increase in the amount of its capital stock shall be made by any such corporation, two-fifths part of such increase shall be set apart and added to the guaranty fund thereof, and kept and invested as aforesaid. Whenever, on account of losses or otherwise, the amount of the guaranty fund shall fall below such sum as is required to be set apart and invested by this act, no further insurance shall be issued until the deficiency below the amount so required has been supplied."

The yeas and nays being required thereon were as follows:

Those who voted in the affirmative were:

T. H. Armstrong,	J. H. Lackey,	A. B. Pieratt,
Reuben Conner,	Joseph F. Laufer,	W. H. Ragland,
A. H. Charlton,	John M. Letterle,	S. Atwood Smith,
T. W. Clark,	J. M. Lee,	G. Weissinger Smith,
W. H. Cooke,	J. R. Mallory,	F. G. Shepherd,
J. C. Cantrill,	J. D. Mocquot,	Andrew Sargent,
J. Morgan Chinn,	Reuben Morris,	O. P. Searcy,
A. S. Denton,	R. C. Myers,	Waller Sharp,

Claude Desha,	W. H. McKee,	G. B. Stout,
J. A. Humphreys,	M. F. North,	A. J. Thompson,
W. C. G. Hobbs,	Emmett Orr,	South Trimble,
John T. Hinton,	Michael O'Sullivan,	C. A. Wilson,
W. B. Henderson,	Harry C. Pulliam,	C. B. Wheeler—41.
G. W. Hickman,	E. Petty,	

Those who voted in the negative were:

J. L. Brown,	Chas. Aaron Nelson,	L. E. Weatherford,
J. P. Haswell, Jr.,	Chas. F. Ogden,	David Woods,
R. C. Jarnagin,	L. J. Owen,	Jas. H. Williams—10.
J. Mc. Meloan,		

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Mr. Letterle, of the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

H. B. 234. An act for the benefit of incorporated districts or other municipalities not heretofore assigned to any class of cities or towns.

H. B. 198. An act to amend and re-enact section 20 of chapter 47 of the acts of 1894 entitled, "An act to amend chapter 232 of the acts of 1891-2-3 entitled, 'An act relating to roads and passways.'"

H. B. 247. An act concerning the court-house district in Campbell county.

H. B. 129. An act to repeal section 4, article 29, chapter 29 of the General Statutes relating to confession of judgments in penal cases, now section 1312 of Kentucky Statutes.

H. B. 140. An act to amend and re-enact section 1, article 2, chapter 31, General Statutes, acts 1880-82, relating to drifts, logs and timber,

H. B. 476. An act to repeal section 12, article 1, chapter 4, General Statutes, section 2025 Kentucky Statutes, entitled, "Guardians and wards."

H. B. 232. An act to allow children of slave marriages to inherit the property of their fathers and mothers.

H. B. 2. An act to amend sections 1 and 2, of an act approved March 17, 1896, entitled, "An act for the protection of purchasers, lessees and encumbrancers of real estate."

H. B. 356. An act to amend and re-enact an act, entitled, "An act for the government of cities of the first class," approved July 1, 1893, and to repeal section 76, of said act.

H. B. 289. An act to appropriate five hundred dollars to mark and preserve the graves of Confederate soldiers who were slain at Perryville, Ky.

H. B. 385. An act to fix the hundred weight and ton of hemp and to prescribe a penalty for violation thereof.

H. B. 143. An act to repeal and re-enact section 31, of article 5, of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," relating to city clerks.

H. B. 320. An act to change the assignment of the cities of Madisonville, Hopkins county, and Princeton, Caldwell county, from the fifth class to the fourth class, and Providence, Webster county, and Sebree City, Webster county, from the sixth class to the fifth class, and to amend and re-enact an act entitled, "An act to assign cities and towns of this Commonwealth to the classes to which they belong."

H. Res. 26. Resolution providing payment of expenses incurred in the Bertram-Powers contest case.

And had found the same correctly enrolled.

Said bills and resolutions were then read at length and compared in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the Committee had performed that duty.

Mr. Letterle, of the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

S. B. 21. An act to amend an act approved March 16, 1894, entitled, "An act relating to voluntary assignments."

S. B. 20. An act to create a board of fireman's pension fund, to provide and distribute such fund for the pensioning of disabled firemen, and the wives and children of deceased firemen, to authorize the retirement from service, and the pensioning of members of the fire department, and other purposes connected therewith in cities having a population of fifty thousand and a paid fire department.

S. B. 65. An act in regard to the renting of lands.

S. B. 152. An act to amend and re-enact section 10 of article 1, of an act entitled, "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

S. B. 154. An act to amend an act entitled, "An act for the government of cities of the first class," approved July 1, 1893.

S. B. 155. An act to authorize any public school or graded school district in the State having outstanding against it interest-bearing bonds, to refund same and in lieu thereof to issue bonds bearing a lower rate of interest.

S. B. 104. An act to regulate the practice of pharmacy in the Commonwealth of Kentucky, and to establish a board of pharmacy and define the duties and powers thereof.

S. B. 87. An act to amend section 149 and 150 of an act

entitled, "An act relating to crimes and punishment," approved April 10, 1893, now being section 1279 of chapter 36 of Kentucky Statutes.

R. Res. 20. Resolution authorizing suit against the State of Kentucky for certain claims against the State.

S. Res. 21. Resolution for the benefit of Wm. Overton and J. K. Dixon.

S. Res. 19. Resolution providing for paying the ministers of Frankfort for opening the House with prayer.

And had found the same correctly enrolled.

Said bills and resolutions were then read at length and compared, in the presence of the House and found to be correctly enrolled.

Whereupon the Speaker of the House of Representatives in open session affixed his signature thereto, and they were delivered to the committee to be delivered to the Senate.

After a short time Mr. Letterle reported that the committee had performed that duty.

A message was received from the Senate announcing that they had passed:

H. B. 303. An act to define trusts and to provide for penalties and punishments of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Kentucky.

With an amendment thereto proposed by the Senate.

Mr. Bradburn moved the adoption of the following resolution, viz:

Whereas, The chief clerk, his assistant, the enrolling clerk, the sergeant-at-arms, door keeper, janitor, pages and cloak room keeper, and his assistant, have each faithfully performed their respective duties during this session of the General Assembly; therefore be it

Resolved by the House of Representatives, That we in ap-

preciation of the faithful and efficient manner in which the various officers have discharged their several duties, tender to them our sincere thanks and wish for them a long and pleasant career and success in all honorable undertakings.

Resolved further, That this resolution be entered upon the Journal of the House.

Said resolution was adopted.

Mr. Cantrill moved the adoption of the following resolution, viz:

Whereas, The Governor has called attention of this General Assembly to the fact that the small pox is prevailing to a distressing extent in Bell county; and

Whereas, It is now impossible for this General Assembly to take any steps toward affording the people of that county any financial relief, be it

Resolved, That we commend to the charitable people of the State the distressed people of Bell and ask that financial aid be sent to the people of that county.

Said resolution was adopted.

Mr. Myers submitted the following supplementary report from the minority of the Committee on State Prisons and House of Reform:

To the General Assembly:

We beg to submit the following report:

At the beginning of the session we were appointed members of a committee to investigate the Frankfort penitentiary and the contracts made for the products of the same.

The Committee met, and South Trimble was made chairman. One witness was called and examined, to-wit: Ben. C. Weaver, the expert accountant and a Democrat who had investigated the Martin contract and the business of the chair plant. His testimony corroborated his report made to Hon.

C. W. Lester, inspector and examiner, January 1, 1898. That report so fully and completely states the condition that it is made a part of this report, and is as follows:

WEAVER'S REPORT No. 2.

Frankfort, Ky., January 1, 1898.

Judge C. W. Lester,

Dear Sir: Continuing my report of examination of chair plant of Kentucky penitentiary, I now give attached hereto a condensed inventory as taken to date of November 1, 1897.

In taking this inventory, we handled over two million, six hundred thousand pieces of cut stock belonging to chairs, almost all of which were in a more or less finished condition.

We made calculation of the actual lumber contained in this immense amount of cut stock. We assorted these pieces so that any one can, at a glance, tell how many pieces belong to each grade or style of chair that is now, and has been manufactured, in this plant. We measured all broken packages of material used, in no case estimating quantity were it was possible to avoid it. We counted all chairs of every description, finished, in white, first and second-coated, and filled, etc., etc., and detailed the different grades or styles in our inventory. We measured over 1,600,000 feet of different grades of lumber located in the prison lumber yard and dry-kiln.

In assorting this cut stock, we had the assistance of Mr. C. E. Gray, who worked faithfully with us, day and night, for fully a week or more; besides, he was with us each day whilst we were taking the inventory, giving us dimensions, and as to what style, or grade, or number of chair the pieces belonged.

We found a small number of chairs, output for August, September, and October, not priced. As it was actually necessary for us to have the output complete for these months before we could intelligently, or at all, make our report, we had the assistance of Mr. Nason in making prices for these chairs.

Below we give a list giving number or style of chairs thus priced, and prices of the same.

## AUGUST OUTPUT.

Style of chair.	No. of chairs.	Price.
543 W .....	1 .....	\$3 65
544 " .....	1 .....	4 55
545½" .....	1 .....	3 65
550 " .....	1 .....	3 25

## SEPTEMBER OUTPUT.

2 W .....	90 .....	\$2 43
D. N. ....	35 .....	6 00
D. G. ....	33 .....	9 00

## OCTOBER OUTPUT.

322 C. W.....	6 .....	\$14 55
545 2 .....	600 .....	3 05
C. N. ....	110 .....	6 75
C. G. ....	314 .....	9 50
D. N. ....	4 .....	6 00
D. G. ....	24 .....	9 00
D. L. ....	5 .....	8 25
H. G. W. N. C. ....	36 .....	7 17
H. L. W. N. C. ....	12 .....	6 56
622 C. W.....	4 .....	14 80
660 W. N. C. ....	60 .....	6 25
660 W. Cob. ....	24 .....	11 00
662 Cob .....	11 .....	19 06
662 C. W.....	4 .....	17 06
662 W. N. C. ....	6 .....	11 75
682 C. ....	13 .....	19 06



I secured from the books of the Auditor (where I was shown every attention and every facility given me) a statement of all expenditures made by the State on account of the chair plant; also a statement of all receipts from said plant.

I have made two statements, first taking as a basis inventory shown me as having been taken May 1, 1897; second based on inventory shown me as having been taken July 1, 1897. I have previously made you a statement based on inventory taken March 26, 1896. We have not examined either of those inventories so as to verify their correctness, in the only way we could, viz: as to calculations. If these three inventories are incorrect, then, of course, our two statements do not show the true condition of affairs.

The first of these statements, based on the inventory as taken May 1, 1897, shows a net profit to the State for the six months ending October 31, 1897, \$34,967.29. During that period of time (May 1, 1897, to October 31, 1897), the chair plant—as shown by the records as kept at the prison—was in operation 152 days, giving employment to an average of 603 prisoners each day, which, at 35 cents a day, would amount to \$32,177.60. As the profit shown by us is \$34,967.29, this would indicate that the State did realize quite as much as 35 cents per day for each prisoner employed—in fact realized .3803 per day.

Taking my statement based on inventory taken July 1, 1897, it shows a net gain for four months ending October 31, 1897, of \$19,733.84. During that period of time (July 1, 1897, to October 31, 1897), the chair plant, as shown by the records as kept at the prison, was in operation (100) one hundred days, giving employment to an average of (598) five hundred and ninety-eight prisoners each day, which, at 35 cents per day, would amount to \$21,008.75. This would indicate that the State did not realize quite as much as 35 cents per day for each prisoner employed, but only .3287 cents per day.

In conclusion, we wish to say that every facility was granted us by the prison officials. When we needed any assistance or information, it was cheerfully and readily given us by the warden, deputy warden and their subordinates.

Respectfully submitted,

BEN C. WEAVER,  
BURTON R. WEAVER.

This speaks for itself. It would be useless to add any thing. Suffice it is to say the chair plant is now unquestionably on a paying basis, and giving the State a handsome profit, not less than 35 cents per day per man.

After having Weaver's testimony, the Committee never met again, but abandoned the investigation. In person we visited the penitentiary and found the whole institution in an excellent and flourishing condition. Great improvements have been made in the penitentiary in the last two years. The sanitary condition is the best ever known in the institution, One thousand convicts are employed and yielding the State \$350 per day. The management is a credit to the prison officers and the Board of Sinking Fund Commissioners.

It is proper to remark that at the present writing it is not known what the majority of the Committee, who are Democrats, mean to report. The chairman agreed that, in the event he decided to make a report, he would notify us, but no notice has been given of any report, and this is the last day of the session, and the minority of the committee feel that a true report should be made.

All of which is submitted,

ROBT. C. MYERS,  
R. C. JARNAGIN.

Ordered that the same be spread upon the Journal of the House.

Mr. Williams moved that a committee be appointed by the Speaker to wait upon the Senate and ask the appointment of

a like committee from that body to wait upon the Governor and inform him that the General Assembly is ready to adjourn sine die.

Said motion was adopted.

Whereupon the Speaker appointed as said committee Messrs. Williams, Charlton and Vanzant.

After a time the committee returned and announced that they had waited upon the Governor and that he had no further communication to make to the General Assembly.

And then the House adjourned sine die.

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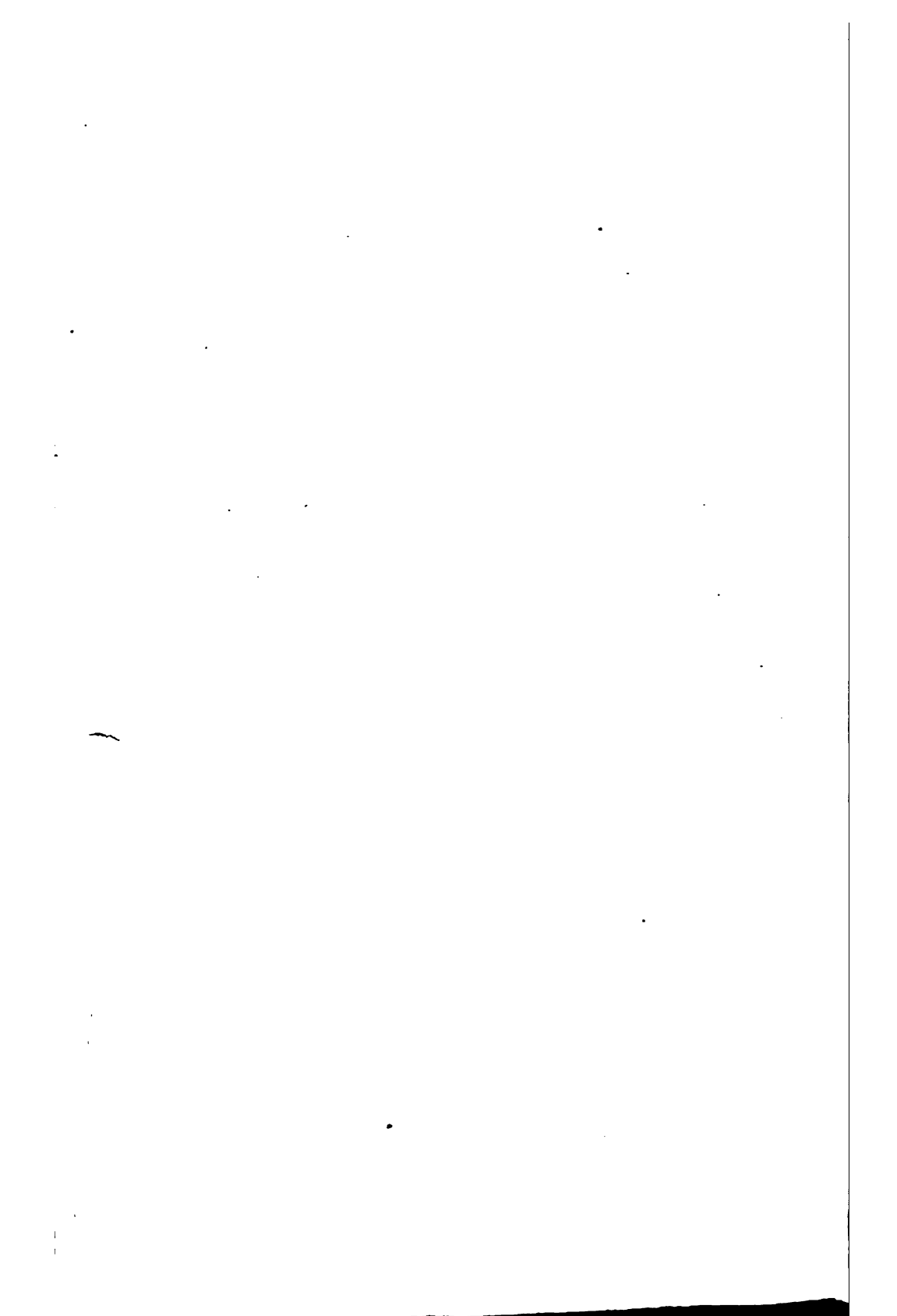
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